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PART - VI

Acts of Parliament and Ordinances promulgated by the President

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Sachivalaya, Gandhinagar, 10th November, 2025

No. RPB/Act-24/2025/E:- The Following Act of Parliament is republished for general information:-

Government of India
Ministry of Law and Justice
Legislative Department

New Delhi, the 18th August, 2025/Shravana 27, 1947 (Saka)

The following Act of Parliament received the assent of the President on the 18th August, 2025 and is hereby published for general information:-

THE MERCHANT SHIPPING ACT, 2025

No. 24 OF 2025

[18*th August*, 2025.]

An Act to consolidate and amend the law relating to merchant shipping to ensure compliance with India's obligation under the maritime treaties and international instruments to which India is a party and also to ensure the development of Indian shipping and efficient maintenance of Indian mercantile marine in a manner best suited to serve the national interest and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-sixth Year of the Republic of India as follows:—

PART I

PRELIMINARY

Short title and commencement.

1. (*1*) This Act may be called the Merchant Shipping Act, 2025.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

Application of Act.

2. (*1*) Save as otherwise provided, the provisions of this Act shall apply to,—

(*a*) any vessel which is registered in India; or

(*b*) any vessel which is required by this Act to be so registered, wherever it may be.

(*2*) Save as otherwise provided, the provisions of this Act which apply to vessels other than those referred to in sub-section (*1*) shall so apply only while any such vessel is within India or its coastal waters.

(*3*) Subject to sub-section (*2*) and unless otherwise expressly provided, the provisions of this Act shall not apply to Indian controlled tonnage vessels.

Explanation.—For the purposes of this sub-section, the expression "Indian controlled tonnage vessel" means an Indian vessel, other than a fishing vessel or sailing vessel, owned by any person specified under sub-section (*1*) of section 15 and registered at a port or place in a country other than India.

Definitions.

3. In this Act, unless the context otherwise requires,—

(*1*) "abandoned seafarer" means a seafarer who is deemed to have been abandoned in violation of the provisions of this Act or the rules made thereunder or the seafarers' employment agreement, where the ship owner—

(*a*) fails to cover the cost of the seafarer's repatriation; or

(*b*) has left the seafarer without the necessary maintenance and support; or

(*c*) has otherwise unilaterally severed ties with the seafarer including failure to pay contractual wages for a period of at least two months;

(*2*) "abandoned vessel" includes any of the following, namely:—

(*a*) a vessel which is abandoned by the ship owner without any hope of recovering it or without any intention of returning to it; or

(*b*) a vessel whose master has no financial means for its operation; or

(*c*) a vessel whose owner is unknown or cannot be traced within reasonable time, despite the Central Government duly notifying the flag State of the vessel or consulate of the country of domicile of the registered owner or the master; or

(*d*) a vessel whose owner fails to fulfil the ship owner's obligations under this Act towards ensuring safety, security, prevention of pollution or welfare of seafarers and whose insurer, salvor or contractor fail to fulfil such obligations within such reasonable time as may be specified by the Central Government; or

(*e*) a vessel restrained by any court or public authority in India in respect of which the public authority or the person assigned responsibility by the court to fulfil the ship owner's obligations under this Act towards ensuring safety, security, prevention of pollution or welfare of seafarers, fails to do so.

Explanation.—For the purposes of sub-clause (*d*), failure on part of the ship owner shall also include failure on part of the charterer, manager or operator of the vessel;

(*3*) "agent", in relation to a vessel, means a person authorised to act as such by the owner and if such vessel is in port, the agent shall also have authorisation from the port;

(*4*) "Anti-Fouling Systems Convention" means the International Convention on Control of Harmful Anti-fouling Systems on Ships, 2001, signed in London on 5th day of October, 2001;

(*5*) "audit" means a systematic and independent examination to determine whether the management system as provided in the Safety Convention complies with the planned arrangements and such arrangements are implemented effectively and are sufficient to achieve the objectives of the said convention;

(*6*) "Ballast Water Management Convention" means the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004, signed in London on the 13th day of February, 2004;

(*7*) "baseline" means the baseline referred to in sub-section (*2*) of section 3 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976;

80 of 1976.

(*8*) "certificate of competency" or "certificate of proficiency" means the certificate of competency or certificate of proficiency granted under sub-section (*1*) of section 46;

(*9*) "chief ship surveyor" means the chief ship surveyor specified in sub-clause (*iii*) of clause (*d*) of sub-section (*1*) of section 8;

(*10*) "chief surveyor" means the chief surveyor specified in sub-clause (*ii*) of clause (*d*) of sub-section (*1*) of section 8;

(*11*) "Civil Liability Convention" means the International Convention on Civil Liability for Oil Pollution Damage, 1992;

(*12*) "coastal waters" means any part of territorial waters of India, along with any part of the adjoining maritime zones of India within the meaning of the Terriorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976, or any other law for time being in force;

80 of 1976.

(*13*) "coasts" include the coasts of creeks and any part of the sea or any part of a river within the ebb and flow of the tide at ordinary spring tides and not being a harbour (tidal waters);

(*14*) "company" means a company as defined in clause (*20*) of section 2 of the Companies Act, 2013;

18 of 2013.

(*15*) "convention" means an international convention to which India is a party;

(*16*) "Director-General" means the Director-General of Maritime Administration appointed under sub-section (*1*) of section 7;

(*17*) "equipment", in relation to a vessel, includes boats, tackle, machinery, boilers, cargo handling gear, pumps and any fitting, anchor, propeller, apparels, furniture, life-saving appliances of every description, spars, masts, rigging and sails, fog signals, lights, shapes and signals of distress, medicines and medical and surgical stores and appliances, charts, radio installations, appliances for preventing, detecting or extinguishing fires, buckets, compasses, axes, lanterns, loading and discharging gears and appliances of all kinds and all other stores and spares or articles belonging to or to be used in connection with or necessary for the navigation, propulsion, security, pollution prevention and safety of the vessel;

(*18*) "fisher" means any person engaged in any capacity or performing any work aboard a fishing vessel at sea, by whatever means they are paid, but not including pilots or persons in service of the Central Government or the State Government aboard a fishing vessel, or any person who only works aboard such vessel when onshore;

(*19*) "fishing vessel" means a vessel which is used or intended to be used for the purpose of fishing in the seas;

(*20*) "gross tonnage" means the gross tonnage referred to in clause (*b*) of sub-section (*5*) of section 20;

(*21*) "High Court", in relation to a vessel, means a High Court within the limits of whose jurisdiction,—

(*a*) the port of registry of the vessel is situate; or

(*b*) the vessel is for the time being; or

(*c*) the cause of action, wholly or in part, arises;

(*22*) "Indian ambassador" means the ambassador, high commissioner, deputy ambassador, deputy high commissioner, consul-general, consul, vice-consul, consular agent or pro consul appointed as such by the Central Government and includes any person authorised by the Central Government to perform the functions of an Indian ambassador;

(*23*) "Indian Coast Guard" means the Coast Guard constituted under the Coast Guard Act, 1978; 30 of 1978.

(*24*) "Indian vessel" means a vessel which is registered under section 15;

(*25*) "Limitation of Liability for Maritime Claims Convention" means the Convention on Limitation of Liability for Maritime Claims signed in London on the 19th day of November, 1976;

(*26*) "Maritime Labour Convention" means the Maritime Labour Convention signed in Geneva on the 23rd day of February, 2006;

(*27*) "MARPOL Convention" means the International Convention for the Prevention of Pollution from Ships, 1973 including its Protocol of 1978;

(*28*) "master" includes any person (except a pilot or a harbour master) having command or charge of a vessel;

(*29*) "mortgage" means the transfer of an interest in a registered vessel or a share therein for the purpose of securing the payment of money advanced or to be advanced by way of loan, or other valuable consideration, and the instrument creating the security, an existing or future debt, or the performance of an agreement which may give rise to a pecuniary liability;

(*30*) "nautical advisor" means the nautical advisor specified in sub-clause (*i*) of clause (*d*) of sub-section (*1*) of section 8;

(*31*) "notification" means a notification published in the Official Gazette and the term "notify" or "notified" shall be construed accordingly;

(*32*) "owner", in relation to a vessel, means the person to whom the vessel or a share in the vessel belongs;

(*33*) "passenger" means any person carried onboard a vessel, except—

(*a*) a person employed or engaged in any capacity onboard the vessel on the business of the vessel;

(*b*) a person onboard the vessel either in pursuance of the obligations laid upon the master to carry shipwrecked, distressed or other persons or by reason of any circumstances which neither the master nor the charterer, if any, could have prevented or forestalled; and

(*c*) a child under one year of age;

(*34*) "passenger vessel" means a vessel carrying more than twelve passengers;

(*35*) "pollution damage" means,—

(*a*) loss or damage caused outside the vessel resulting from the escape, emission or discharge of cargo, oil or any other material from the vessel, wherever such escape, emission or discharge may occur; or

(*b*) the costs of impairment of environment or costs of preventive measures and further loss or damage caused by preventive measures;

(*36*) "pollution prevention convention" means any convention relating to prevention of pollution from vessels, to which India is a party, including MARPOL Convention, Anti-Fouling Systems Convention and Ballast Water Management Convention;

(*37*) "port" shall include port facility, shipyard, ship breaking yards, ship repair unit, offshore facilities and terminals;

(*38*) "port authority",—

(*a*) in relation to any major port, means the Board of Major Port Authority constituted under section 3 of the Major Port Authorities Act, 2021; 1 of 2021.

(*b*) in relation to any other port, means such person or body of persons responsible for the administration of ports under any other applicable law;

(*c*) in relation to any terminal or place not forming a part of a port, means the person under whose supervision the terminal or place is operated;

(*39*) "port facility" means any location or area including anchorages or awaiting berths or approaches from seaward as determined by the Central Government, or such designated authority as the Central Government may notify, where interface between vessels or a vessel and a port takes place;

(*40*) "port of registry" means the port or place notified as such under sub-section (*3*) of section 15 and in relation to a vessel, sailing vessel, fishing vessel or any other vessel, means the port at which such vessel is registered;

(*41*) "prescribed" means prescribed by rules made by the Central Government under this Act;

(*42*) "principal officer" means the principal officer appointed under sub-section (*2*) of section 11;

(*43*) "proceeding" includes any suit, appeal or application under this Act;

(*44*) "proper officer" means the officer designated by the Central Government to be the proper officer at the port or place and in respect of the matters to which reference is made in this Act;

(*45*) "proper return port" means such port as is agreed upon by the seafarer and his employer, in the agreement or otherwise, or in the absence of an agreement, the port where the seafarer was employed or joined the vessel;

(*46*) "property", in relation to a seafarer, includes personal effects;

(*47*) "reception facilities", in relation to a port, terminal, shipyard, ship repair facility or ship recycling facility, means facilities for enabling vessels using the port terminal, shipyard, ship repair facility or ship recycling facility to discharge or deposit any substance;

(*48*) "Registrar" means the Registrar of Indian vessel referred to in section 18;

(*49*) "registered owner" means the person or persons registered as the owner of the vessel;

(*50*) "Safety Convention" means the international convention for the Safety of Life at Sea, signed in London on the 1st day of November, 1974 and shall include its protocols;

(*51*) "sailing vessel" means any primitive or traditionally built wooden vessel not primarily propelled, provided with sufficient sail area for navigation under sails alone, whether or not fitted with mechanical means of propulsion, but does not include a pleasure craft;

(*52*) "salvage" means any act or activity undertaken to assist a vessel or any other property in danger in navigable waters or in any other waters whatsoever;

(*53*) "Salvage Convention" means the International Convention on Salvage, 1989, signed in London on the 28th day of April, 1989;

(*54*) "salvor" means any person rendering services in direct connection with salvage operation;

(*55*) "sea-going", in relation to a vessel, means a vessel proceeding or intending to proceed beyond such waters as the Central Government or the State Government may, by notification, declare to be inland waters;

(*56*) "seafarer" means any person who is employed or engaged or works in any capacity onboard a sea-going vessel, but does not include,—

(*i*) a person who is in the employment or engagement or work onboard in any capacity in a warship or any Government vessel used for military or non-commercial purposes; or

(*ii*) any other person as the Central Government may, by notification, specify;

(*57*) "seafarer's welfare officer" means the seafarer's welfare officer appointed under sub-section (*2*) of section 12;

(*58*) "security", in relation to maritime security, includes any measures to protect port facility or vessels or any person or thing relating directly or indirectly to maritime navigation,—

(*i*) against terrorism, sabotage, stowaways, illegal migrants, asylum seekers, piracy, armed robbery, seizure or pilferage; and

(*ii*) against any other hostile act or influence which threatens the security in the maritime transport sector,

employed by the owners or operators or persons in charge of the vessels or management of port facilities, offshore installations and other marine organisations or establishments, or undertaken by the Central Government;

(*59*) "ship" means any watercraft, used or capable of being used in navigation in, above, or under the water; but does not include fishing vessel or sailing vessels;

(*60*) "ship owner" means the owner, including the registered owner and bareboat charterer, of the vessel;

(*61*) "shipping master" means the shipping master appointed under section 12;

(*62*) "shipping office" means the shipping office established under section 12;

(*63*) "special trade passenger" means a passenger carried in special trade passenger vessel in spaces on the weather deck or upper deck or between decks which accommodate more than eight passengers;

(*64*) "State" means any country including India;

(*65*) "Standards of Training, Certification and Watchkeeping for Seafarers Convention" means International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, signed in London on the 7th day of July, 1978;

(*66*) "surveyor" means a person appointed under clause (*d*) of sub-section (*1*) of section 8, or section 9;

(*67*) "tindal" means the person in command or charge of a sailing vessel;

(*68*) "Tribunal" means the Tribunal constituted under sub-section (*1*) of section 89;

(*69*) "unseaworthy vessel" means vessel, the materials of which she is made, her construction and design, the number, description and qualification of the seafarers including officers, the weight, description and stowage of the cargo and ballast, the condition of her hull and equipment, boilers and machinery are not such as to render her in every respect fit for the proposed voyage or service;

(*70*) "vessel" includes every description of water craft used or capable of being used in the marine environment, such as ship, boat, sailing vessel, fishing vessel, submersible, semi-submersible, hydrofoils, non-displacement crafts, amphibious crafts, wing-in-ground crafts, pleasure crafts, barges, lighters, Mobile Offshore Drilling Units, Mobile Offshore Units, or of any other description, whether fitted with mechanical means of propulsion or not;

(*71*) "voyage" means the passage between the vessel's port or place of departure and her final port or place of arrival, including the activities within the port;

(*72*) "wages" include emoluments;

(*73*) "wreck" includes the following, upon a maritime casualty, namely:—

(*a*) a sunken or stranded vessel; or

(*b*) any part of a sunken or stranded vessel, including any object or goods or cargo that is or has been onboard such a vessel;

(*c*) any object or goods or cargo that is lost at sea from a vessel stranded, sunken or adrift at sea; or

(*d*) a vessel that is in distress or is about, or may reasonably be expected, to sink or to strand, where effective measures to assist the vessel or any property in danger are not already being taken to the satisfaction of the Director-General.

PART II

ESTABLISHMENT OF BOARDS AND GENERAL ADMINISTRATION

CHAPTER I

ESTABLISHMENT OF NATIONAL SHIPPING BOARD AND SEAFARER'S WELFARE BOARD

Establishment of National Shipping Board.

4. (*1*) With effect from such date as the Central Government may, by notification, specify in this behalf, there shall be established a Board to be called the National Shipping Board (hereinafter referred to as the Shipping Board) for the purposes of this Act.

(*2*) The Shipping Board shall consist of the following members, namely:—

(*a*) six members of Parliament of whom four shall be elected from amongst themselves by members of the House of the People and two from amongst themselves by the members of the Council of States;

(*b*) such number of other members, not exceeding sixteen, out of which at least four shall be women, as the Central Government may think fit to appoint to the Shipping Board, to represent—

(*i*) the Central Government;

(*ii*) ship owners;

(*iii*) seafarers; and

(*iv*) such other interests as in the opinion of the Central Government, ought to be represented on the Shipping Board:

Provided that the Shipping Board shall include an equal number of persons representing the ship owners and seafarers.

(*3*) The term of a member elected under clause (*a*) of sub-section (*2*) shall come to an end as soon as he ceases to be a member of the House from which he was elected.

(*4*) The Central Government shall nominate one of the members of the Shipping Board to be its Chairperson.

(*5*) Notwithstanding anything contained in this section, the Member of Parliament referred to in clause (*a*) of sub-section (*2*) or nominated as Chairperson under sub-section (*4*), shall not be deemed to be holding the office of profit for the purposes of sub-clause (*a*) of clause (1) of article 102 of the Constitution.

(*6*) The Shipping Board shall advise the Central Government,—

(*a*) on matters relating to Indian shipping including the development thereof; and

(*b*) on such other matters arising out of this Act as the Central Government may refer to it for advice.

(*7*) The Shipping Board shall have power to regulate its own procedure for the conduct of its business.

(*8*) The term of office, manner of filling casual vacancies and travelling and other allowances payable to, members of the Shipping Board and the service conditions of the Chairperson, shall be such as may be prescribed.

(*9*) The Shipping Board shall be assisted by such officers and other employees and the manner of their appointment and the terms and conditions of their service shall be such as may be prescribed.

Constitution of Seafarer's Welfare Board.

5. (*1*) With effect from such date as the Central Government may, by notification specify in this behalf, there shall be constituted an advisory board to be called as Seafarer's Welfare Board (hereinafter referred to as the Welfare Board) for the purposes of advising the Central Government on the measures to be taken for promoting the welfare of seafarers under this Act, generally and in particular on the following matters, namely:—

(*a*) the establishment of hostels or boarding and lodging houses for seafarers;

(*b*) the establishment of clubs, canteens, libraries and other like amenities for the benefit of seafarers;

(*c*) the establishment of hospital and provision of medical treatment for seafarers;

(*d*) the provision of educational and other facilities for seafarers;

(*e*) the measures to be taken for welfare of distressed or abandoned seafarers;

(*f*) the measures to be taken in the case of seafarer who is a foreigner but abandoned in the waters within the jurisdiction of India.

(*2*) The composition of the Welfare Board, the term of office of members thereof, the procedure to be followed in the conduct of its business, the travelling and other allowances payable to, members of the Welfare Board, shall be such as may be prescribed.

(*3*) The fee payable by the owners of vessels for the purposes of providing amenities to seafarers, the procedure by which any such fee may be collected or recovered and the manner in which the proceeds of such fees, after deduction of the cost of collection, shall be utilised, shall be such as may be prescribed.

(*4*) The port based welfare facility and any other measures to be taken for promoting the welfare of seafarers shall be such as may be prescribed.

Power to make rules.

6. (*1*) The Central Government may make rules to carry out the provisions of this Chapter.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the term of office, manner of filling vacancies and the travelling and other allowances payable to the members of the Shipping Board and the service conditions of the Chairperson under sub-section (*8*) of section 4;

(*b*) the manner of appointment of officers and other employees of the Shipping Board and the terms and conditions of their service under sub-section (*9*) of section 4;

(*c*) the composition of the Welfare Board, term of office of its members, procedure for conduct of business and the travelling and other allowances payable to such members under sub-section (*2*) of section 5;

(*d*) the fee payable by owners of vessels, procedure for collection of fees and the manner in which the proceeds of such fees shall be utilised under sub-section (*3*) of section 5; and

(*e*) the port based welfare facility and other measures to be taken for promoting the welfare of seafarers under sub-section (*4*) of section 5.

CHAPTER II

MARITIME ADMINISTRATION

Director-General of Maritime Administration.

7. (*1*) The Central Government may, by notification, appoint a person to be the Director-General of Maritime Administration for the purposes of exercising or discharging the powers, authority or duties conferred or imposed upon him by or under this Act.

(*2*) The Central Government may, by general or special order, direct that any power, authority or jurisdiction exercisable by it under or in relation to any such provisions of this Act as may be specified in the order shall, subject to such conditions and restrictions as may be so specified, be exercisable also by the Director-General or such other officer as may be specified in the order.

(*3*) The Director-General may, with the previous approval of the Central Government, by general or special order, direct that any power or authority conferred upon or delegated to, and any duty imposed upon him by or under this Act may, subject to such conditions and restrictions as he may think fit to impose, be exercised or discharged also by such officer or other authority as he may specify in this behalf.

(*4*) Every officer specified in section 8 shall discharge their functions under the general superintendence and control of the Director-General.

Officers.

8. (*1*) There shall be the following officers to be appointed by the Central Government who shall discharge the duties and functions under this Act, namely:—

(*a*) Additional Director-General;

(*b*) Deputy Director-General;

(*c*) Assistant Director-General;

(*d*) Surveyors, which shall include the following, namely:—

(*i*) nautical advisor;

(*ii*) chief surveyor;

(*iii*) chief ship surveyor;

(*iv*) principal officer;

(*v*) deputy nautical advisor;

(*vi*) deputy chief surveyor;

(*vii*) deputy chief ship surveyor;

(*viii*) nautical surveyor;

(*ix*) engineer and ship surveyor;

(*x*) ship surveyor;

(*xi*) junior ship surveyor;

(*e*) shipping master which shall include deputy or assistant shipping master;

(*f*) director which shall include deputy director or assistant director;

(*g*) senior radio surveyor;

(*h*) radio inspector;

(*i*) seafarer's welfare officer;

(*j*) any other officer as may be notified by the Central Government.

(*2*) The salary, allowances and other terms and conditions of service of the officers specified in sub-section (*1*) shall be such as may be prescribed.

Surveyors.

9. The Central Government may, by notification, appoint, as many persons as it may think fit to be surveyors for the purposes of this Act:

Provided that the Central Government may, by notification, authorise any person or body of persons, on such terms and conditions as may be specified therein, to be surveyor for the purposes of this Act.

Senior radio surveyors and radio inspectors.

10. (*1*) The Central Government may, by notification, appoint, as many senior radio surveyors and radio inspectors as it may consider necessary for the purpose of securing compliance with the requirements of this Act and the rules made thereunder relating to radio communication.

(*2*) The powers and functions of the senior radio surveyors and radio inspectors shall be such as may be prescribed.

Mercantile Marine Department.

11. (*1*) The Central Government may establish and maintain at each of the ports of Mumbai, Kolkata, Chennai, Kochi, Kandla and such other ports or places in India, as it may consider necessary, an office of the Mercantile Marine Department for the administration of this Act and the rules made thereunder.

(*2*) The Central Government may, by notification, appoint a person to be the principal officer who shall be incharge of the office of the Mercantile Marine Departments at the ports of Mumbai, Kolkata, Chennai, Kochi, Kandla and any other port or places notified by the Central Government.

(*3*) The Central Government may, by notification, specify the office of the Mercantile Marine Department at any other port or place which shall be in the charge of such officer as the Central Government may appoint in this behalf.

Shipping office.

12. (*1*) The Central Government may, by notification, establish a shipping office at every port in India in which it thinks it necessary so to do, and shall as it may consider necessary, appoint thereto—

(*a*) a shipping master and as many deputy shipping masters and assistant shipping masters as may be required;

(*b*) a director and as many deputy directors and assistant directors as may be required; and

(*c*) seafarer's welfare officers.

(*2*) The Central Government may appoint seafarer's welfare officers at such ports in or outside India as it may consider necessary.

(*3*) The Central Government may direct that at any port at which no separate shipping office is established, the whole or any part of the business of the shipping office shall be conducted at such office as the Central Government may specify, and thereupon the same shall be conducted accordingly.

Body for security of vessels and port facilities.

13. (*1*) The Central Government may, by notification, constitute a body for the security of vessels and port facilities, with such name and to be headed by an officer with such designation, as may be specified therein.

(*2*) The administration of the body shall vest in the officer who shall head the body constituted under sub-section (*1*).

(*3*) The body constituted under sub-section (*1*) shall be responsible for carrying out the regulatory and oversight function in respect of such matters relating to security of vessels and port facilities as may be prescribed:

Provided that while framing rules under this sub-section, the Central Government shall take into consideration the provisions of the International Ship and Port Facility Security Code under the Safety Convention.

(*4*) Without prejudice to the provisions of sub-section (*3*), the body constituted under sub-section (*1*) shall perform the following functions, namely:—

(*a*) provide regulatory framework for security of vessels and port facilities;

(*b*) ensure timely collection and exchange of security related information with regard to vessels and port facilities;

(*c*) coordinate with other agencies;

(*d*) any other functions as may be prescribed.

PART III

REGISTRATION OF VESSELS

Application of this Part.

14. This Part shall apply to sea-going vessels.

Indian vessel and its registration.

15. (*1*) No vessel shall be an Indian vessel unless such vessel is owned by any of the following persons and in such proportion of ownership as may be notified by the Central Government, namely:—

(*a*) a citizen of India including a Non-Resident Indian or an Overseas Citizen of India; or

(*b*) a company or a body established by or under any Central Act or State Act having its registered office or principal place of business in India; or

(*c*) such other person or body as the Central Government may, by notification, specify in this behalf.

(*2*) No vessel which is wholly owned by an Overseas Citizen of India shall be required to be registered as an Indian vessel.

(*3*) The Central Government may, by notification, declare any port or place as a port of registry under this Act and every Indian vessel shall be registered under this Part.

(*4*) Any vessel registered at a port in India under any enactment repealed by this Act shall, at the commencement of this Act, be deemed to have been registered under this Act and recognised as an Indian vessel.

(*5*) Subject to any exemptions or modifications made by the Central Government, all vessels belonging to the Government, other than vessels of the Indian Navy, Indian Coast Guard, customs authorities, Central Armed Police Forces and police, shall be registered under this Act.

(*6*) Notwithstanding anything contained in this section, an Indian vessel may be registered in a State other than India subject to such conditions as may be prescribed.

(*7*) Any Indian vessel proceeding to sea without a valid certificate of registration under this Act shall be detained until a valid certificate of registration is produced to the proper officer.

(*8*) A vessel other than an Indian vessel abandoned in Indian waters which is subsequently acquired by an entity eligible to register a vessel under

this Act may be registered under this Act in accordance with such procedure as may be prescribed.

Registration of Indian chartered foreign vessels.

16. Any foreign vessel chartered on a bareboat charter-cum-demise contract by an Indian charterer may be registered under this Part in such manner and subject to such conditions as may be prescribed.

Explanation.—For the purposes of this section, "bareboat charter-cum-demise" means a bareboat charter where the ownership of the vessel is intended to be transferred after a specified period to the charterer to whom it has been chartered.

Temporary registration of vessels sought to be recycled.

49 of 2019.

17. Any vessel not registered under this Act which is sought to be recycled in India in accordance with the provisions of the Recycling of Ships Act, 2019 and the rules made thereunder, may be registered temporarily under this Part in such manner, for such duration and subject to such conditions as may be prescribed.

Registrar of Indian vessels.

18. The principal officer of the Mercantile Marine Department or such person as the Central Government may, by notification authorise, shall be the Registrar of Indian vessels at such port of registry as may be specified in the notification.

Provisional registration of Indian vessel.

19. (*1*) If, at any port or place a vessel becomes entitled to be registered as an Indian vessel, the Registrar may grant a provisional certificate of registration in accordance with such procedure as may be prescribed and such provisional certificate shall have the effect of a certificate of registration.

(*2*) The procedure for validity and extension or cancellation of such registration shall be such as may be prescribed.

(*3*) The unsatisfied mortgage shall continue to be reflected in the register book in case of deemed closure of the provisional registration.

Procedure for registration of Indian vessels.

20. (*1*) An Indian vessel shall be registered in accordance with such procedure, for such period and on payment of such fee as may be prescribed.

(*2*) On the expiry of the period specified in sub-section (*1*), the registration of the vessel shall be renewed in accordance with such procedure and on payment of such fee as may be prescribed.

(*3*) The Director-General shall, by way of an order, specify certain conditions for an Indian vessel and for different classes of vessels sought to be registered under this Act.

(*4*) Where it appears to the Registrar that there is any doubt as to the title of any Indian vessel, he may require evidence to be given to his satisfaction that the vessel is entitled to be registered as an Indian vessel in such manner and in accordance with such procedure as may be prescribed.

(*5*) The Registrar shall, on being satisfied with the requirements of this section, grant—

(*a*) a certificate of registration containing the particulars of the vessel as entered in the register book in such form and manner as may be prescribed;

(*b*) a tonnage certificate containing the gross and net tonnage as determined in such manner as may be prescribed.

(*6*) In the event of the certificate of registration being defaced or mutilated, a new certificate shall be granted *in lieu* of the original certificate in such manner as may be prescribed.

(*7*) In the event of a registered vessel being,—

(*a*) actually, or constructively lost;

(*b*) taken by the enemy;

(*c*) burnt or broken up;

(*d*) for any reason, ceasing to be an Indian vessel; or

(*e*) registered under any other law for the time being in force at the relevant time,

every owner of such vessel shall immediately on obtaining knowledge of the event, comply with such procedure as may be prescribed.

(*8*) Every Indian vessel shall be described by such name, call sign and official number in such manner as may be prescribed.

(*9*) Every Registrar shall keep a register book, make entries in that book and maintain the records of vessels registered under the provisions of this Act, in such manner as may be prescribed.

(*10*) Where there is a change in ownership of a registered Indian vessel, the Registrar of the port of registry shall register the name of new owner and grant a fresh certificate of registration, in accordance with such procedure as may be prescribed.

Temporary pass *in lieu* of certificate of registration.

21. Where, pursuant to an application for registration made before the Registrar, a certificate of registration has not been granted to a vessel within the specified period, but it appears to the Central Government that by reason of such special circumstances as may be prescribed, it is desirable that permission should be granted to any Indian vessel to proceed on a voyage, the Central Government may authorise the Registrar to grant a pass in such form as may be prescribed, and that pass shall for the period and within the limits mentioned therein have the same effect as a certificate of registration.

Custody and use of certificate.

22. (*1*) The certificate of registration shall be used only for the lawful navigation of the vessel and shall at all times remain in the custody of the person in charge of the vessel and shall not be subject to detention by reason of any title, lien, charge or interest whatever, had or claimed by any owner, mortgagee or other person to, on or in the vessel.

(*2*) No person, whether interested in a vessel or not who has in his possession or under his control the certificate of registration of a vessel shall refuse or omit without reasonable cause, to deliver such certificate on demand, to the person entitled to the custody thereof for the purposes of the lawful navigation of the vessel or, to any Registrar or other person entitled by law to require such delivery.

(*3*) If the master or owner of an Indian vessel uses or attempts to use for her navigation a certificate of registration not legally granted in respect of the vessel, he shall be guilty of an offence under this sub-section and the vessel shall be liable to forfeiture.

Transfer of Indian vessel or shares.

23. (*1*) No person shall transfer or acquire any Indian vessel or any share or interest therein at any time during which the security of India or any part of the territory thereof is threatened by sanction, war or external aggression and a proclamation of emergency issued under clause (1) of article 352 of the Constitution is in operation, without the previous approval of the Central Government and any transaction effected in contravention of this provision shall be void and unenforceable.

(*2*) The Central Government may, if it considers necessary or expedient so to do for the purpose of conserving the tonnage of Indian shipping, by order, refuse to give its approval to any such transfer or acquisition in the circumstances referred under sub-section (*1*).

(*3*) No transfer or acquisition of any Indian vessel shall be valid unless,—

(*a*) all mortgages entered in its register are satisfied or the mortgagee has given his consent in writing for the transfer of the vessel;

(*b*) all wages and other amounts due to seafarers in connection with their employment on that vessel have been paid in accordance with the provisions of this Act;

(*c*) any subsisting entry has been made of any court order prohibiting transfer or any dealing with that vessel;

(*d*) any unpaid statutory fees that may be levied on the vessel has been paid and informed in writing to the Registrar.

(*4*) Subject to the provisions contained in this section, an Indian vessel or a share therein shall be transferred, only by an instrument, in such form and manner as may be prescribed.

(*5*) The instrument for the transfer of an Indian vessel or of a share therein shall be registered by the Registrar in accordance with such procedure as may be prescribed.

Transmission of property in Indian vessel on death, insolvency, etc.

24. The property in an Indian vessel or share therein may be transmitted to a person on the death or insolvency of any registered owner or by any lawful means other than by a transfer under this Act subject to such conditions as may be prescribed.

Order for sale where vessel has ceased to be an Indian vessel.

25. Where, by reason of the transmission of any property in a vessel or a share therein on death, insolvency or otherwise, a vessel ceases to be an Indian vessel, it may be ordered to be sold in such manner as may be prescribed.

Mortgage of vessel or share.

26. (*1*) The mortgage of an Indian vessel shall be in the prescribed form and on the production of such instrument, the Registrar of Indian vessel's port of registry shall record it in the register book in such manner as may be prescribed.

(*2*) Mortgages shall be recorded by the Registrar in the order of time in which they are produced to him for that purpose, and the Registrar shall, by memorandum under his hand, notify on each mortgage that it has been recorded by him stating the day and hour of that record.

(*3*) Except in so far as may be necessary for making a mortgaged vessel or share available as a security for the mortgage debt, the mortgagee shall not, by reason of his mortgage, be deemed to be the owner of the vessel or share, nor shall the mortgagor be deemed to have ceased to be owner thereof.

(*4*) Where a registered mortgage is discharged, the Registrar shall, on the production of such documents as may be prescribed, make an entry in the register book to the effect that the mortgage has been discharged, and on that entry being made, the estate, if any, which passed to the mortgagee shall vest in the person in whom (having regard to intervening acts and circumstances, if any) it would have vested, if the mortgage had not been made.

(*5*) If there are more than one recorded mortgage in respect of the same vessel or share, the mortgagees shall, notwithstanding any express, implied or constructive notice, have priority according to the date and time on which each mortgage is recorded in the register book and not according to the date of each mortgage itself.

Rights of mortgagee.

27. (*1*) Where there is only one registered mortgagee of a vessel or share, he shall be entitled to recover the amount due under the mortgage by selling the mortgaged vessel or share without approaching the High Court:

Provided that nothing contained in this sub-section shall prevent the mortgagee from recovering the amount so due in the High Court as provided in sub-section (*2*).

(*2*) Where there are two or more registered mortgagees of a vessel or share, they shall be entitled to recover the amount due under the mortgage in the High Court, and when passing a decree or thereafter the High Court may direct that the mortgaged vessel or share be sold in execution of the decree.

(*3*) Every registered mortgagee of a vessel or share who intends to recover the amount due under the mortgage by selling the mortgaged vessel or share under sub-section (*1*) shall give a notice relating to such sale to the Registrar of Indian vessel's port of registry in such form as may be prescribed.

(*4*) The notice under sub-section (*3*) shall be accompanied with the proof of payment of the wages due to the seafarers in connection with their employment on that vessel.

Liability of mortgagee.

28. When, during the continuance of the mortgage, the mortgagee takes possession of the mortgaged vessel or is asserting a claim before the court for possession of the vessel, he shall be responsible for—

(*a*) managing the vessel as if it were his own vessel;

(*b*) making such necessary repairs to the mortgaged vessel as may be required for the smooth operation and normal functioning of the vessel;

(*c*) ensuring that no act is committed which is destructive or permanently injurious to the vessel; and

(*d*) such other liability as may be prescribed.

Mortgage not affected by insolvency.

29. A registered mortgage of a vessel or share shall not be affected by any act of insolvency committed by the mortgagor after the date of the record of such mortgage, notwithstanding that the mortgagor, at the commencement of his insolvency, had the vessel or share in his possession, order or disposition, or was the reputed owner thereof, and the mortgage shall be preferred to any right, claim or interest therein of the other creditors of the insolvent or any trustee or assignee on their behalf.

Transfer of mortgages.

30. (*1*) A registered mortgage of a vessel or share may be transferred to any person in such manner and the instrument effecting the transfer shall be in such form as may be prescribed.

(*2*) The person to whom any such mortgage has been transferred shall enjoy the same right of preference as was enjoyed by the transferor.

Transmission of interest in mortgage in certain circumstances.

31. The transmission of the interest of a mortgagee in a vessel or share on death, or insolvency, or by any lawful means other than by a transfer under this Act shall be in accordance with such procedure and subject to such conditions as may be prescribed.

Rules as to name of vessel.

32. (*1*) An Indian vessel shall not be described by any name other than that by which she is for the time being registered.

(*2*) The Registrar may refuse the registration of any Indian vessel by the name by which it is proposed if that name is already borne by another vessel or if the name be so similar as is calculated or likely to deceive.

(*3*) A change shall not be made in the name of an Indian vessel except in such manner as may be prescribed.

(*4*) If any person acts or suffers any person under his control to act in contravention of this section or omits to do or suffers any person under his control to omit to do anything required under this section, the vessel may be detained until the provisions of this section are complied with:

Provided that nothing in this sub-section shall apply to a foreign vessel which has become, and is sought to be registered as, an Indian vessel.

Registration of alterations.

33. When a registered vessel is so altered as not to correspond with the particulars relating to her tonnage or description contained in the register book, then, if the alteration is made at any port having a Registrar, that Registrar, or if it is made elsewhere, the Registrar of the first port at which the vessel arrives after the alteration, shall, on an application being made to him by the owner stating the particulars of the alteration, either cause the alteration to be registered or direct that the vessel be re-registered:

Provided that in case the vessel so altered is outside Indian port, the Registrar may on report of inspection of such vessel by a surveyor or the person authorised under sub-section (*1*) of section 9, re-register the vessel without any requirement of the vessel to visit Indian port.

Provisional certificate and endorsement where vessel is to be re-registered.

34. Where any Registrar, not being the Registrar of the vessel's port of registry, on an application as to an alteration in a vessel directs the vessel to be re-registered, he shall either grant a provisional certificate describing the vessel as altered, or provisionally endorse the particulars of the alteration on the existing certificate.

Transfer of registration.

35. The registration of any vessel may be transferred from one port or place of registry to another on an application to the Registrar of the existing port or place of registry of the vessel made by declaration in writing of all persons appearing in the register to be interested therein as owners or mortgagees, but that transfer shall not in any way affect the rights of those persons or any of them and those rights shall in all respects continue in the same manner as if no such transfer had been effected.

Restrictions on re-registration of abandoned vessel.

36. Where a vessel has ceased to be registered as an Indian vessel by reason of having been wrecked or abandoned, or for any reason other than capture by the enemy, the vessel shall not be re-registered until she has, at the expense of the applicant, been surveyed by a surveyor and certified by him to be seaworthy.

National colours for Indian vessels.

37. (*1*) The Central Government may, by notification, declare the proper national colours for all Indian vessels and for all vessels owned by the Government and different colours may be declared for different classes of vessels.

(*2*) Vessels registered under this Part shall hoist the proper national colours,—

(*a*) on a signal being made to her by any vessel of the Indian Navy or Indian Coast Guard;

(*b*) on entering or leaving any port.

(*3*) Any commissioned officer of the Indian Navy or an officer of the Indian Coast Guard or a surveyor or an Indian ambassador may board any vessel on which any colours are hoisted contrary to this Act and seize and take away the colours which shall be forfeited to the Government.

(*4*) No person onboard a vessel which is not an Indian vessel shall, for the purpose of making it appear to be an Indian vessel, use the Indian national colours, unless the assumption of Indian character has been made for the purpose of escaping capture by the enemy or by a foreign vessel of war in the exercise of some belligerent right.

Concealment of Indian or assumption of foreign character.

38. No owner or master of an Indian vessel shall knowingly do anything or permit anything to be done, or carry or permit to be carried any papers or documents, with intent to conceal the Indian character of the vessel from any person entitled by any law for the time being in force to inquire into the same, or with intent to assume a foreign character for the vessel, or with intent to deceive any person so entitled.

Liabilities of vessel not recognised as Indian vessel.

39. Where it is declared by this Act that an Indian vessel shall not be recognised as such, that vessel shall not be entitled to any privileges, benefits, advantages or protection usually enjoyed by Indian vessel or to use the Indian national colours for Indian vessel or to assume the Indian national character but so far as regards the payment of dues, the liability to fine or penalty and forfeiture and the punishment of offences committed onboard such vessel or by any person belonging to her, such vessel shall be dealt with in the same manner in all respects as if she were a recognised Indian vessel.

Proceedings on forfeiture of vessel.

40. Where any vessel has either wholly or as to any share therein become subject to forfeiture under this Part, any commissioned officer of the Indian Navy or Indian Coast Guard or an Indian ambassador or any other officer authorised by the Central Government, may seize and detain the vessel, under the directions of the proper officer and bring her for adjudication before the High Court and the High Court may thereupon adjudge the vessel with her equipment to be forfeited to the Government and make such order in the case as the High Court seems just and may award to the officer bringing in the vessel for adjudication such portion of the proceeds of the sale of the vessel or any share therein as the High Court thinks fit.

Liability of owners.

41. Where any person is beneficially interested otherwise than by way of mortgage, in any vessel or share in a vessel registered in the name of some other person as owner, the person so interested as well as the registered owner shall be subject to all the pecuniary penalties or fine imposed by this Act or any other law for the time being in force on the owners of vessel or shares therein, and proceedings for the enforcement of any such penalties or fine may be taken against both or either of the said parties jointly or severally.

Evidence of register book, certificate of registration and other documents.

42. (*1*) A person may on application to the Registrar and on payment of such fees as may be prescribed, inspect any register book, and may obtain a certified copy of any entry in the register book.

(*2*) A certified copy of an entry in a register book shall be admissible in evidence in any court and have the same effect to all intents as the original entry in the register book of which it is a copy.

Closure of registration.

43. (*1*) The owner of an Indian vessel may make an application to the Registrar in such form and manner as may be prescribed, to close its registration if there is no—

(*a*) unsatisfied mortgage entered in its register; or

(*b*) outstanding claims of the master or seafarer of the vessel in respect of wages which have been intimated.

(*2*) On receipt of the application under sub-section (*1*), the Registrar shall, if he is satisfied, by an order, close the registration of the vessel and make an entry thereof in the register and forward the copy of closure report to the Director-General.

Explanation.—For the purposes of this section, "owner" includes any transferee of, or any person entitled under a transmission to the property in, an Indian vessel.

Power to make rules.

44. (*1*) The Central Government may make rules to carry out the provisions of this Part.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the conditions for registration of an Indian vessel under sub-section (*6*) of section 15;

(*b*) the procedure for registration of an abandoned vessel under sub-section (*8*) of section 15;

(*c*) the manner and conditions for registration of a foreign vessel chartered on a bareboat charter-cum-demise contract by an Indian charterer under section 16;

(*d*) the manner, duration and conditions for temporary registration of a vessel sought to be recycled under section 17;

(*e*) the procedure for issuance of provisional certificate of registration under sub-section (*1*) and the procedure, validity, and extension of such registration or cancellation under sub-section (*2*), of section 19;

(*f*) the procedure, period and fees for registration and renewal thereof, of an Indian vessel under sub-section (*1*) and sub-section (*2*) of section 20;

(*g*) the manner and procedure in accordance with which the Registrar may require evidence to be given for the purposes of inquiring into the title of an Indian vessel under sub-section (*4*) of section 20;

(*h*) the form and manner of grant of certificate of registration and manner of determination of gross and net tonnage under sub-section (*5*) of section 20;

(*i*) the manner of granting new certificate *in lieu* of original certificate of registration being defaced or mutilated under sub-section (*6*) of section 20;

(*j*) the compliance of procedure by the owner of registered vessel under sub-section (*7*) of section 20;

(*k*) the manner of description of the name, call sign and official number of Indian vessels under sub-section (*8*) of section 20;

(*l*) the manner of keeping the register book and making entries therein and maintenance of the records of vessels registered under this Act under sub-section (*9*) of section 20;

(*m*) the procedure for registration and issuance of a fresh certificate under sub-section (*10*) of section 20;

(*n*) the special circumstances for grant of temporary pass and the form in which such pass shall be granted under section 21;

(*o*) the form and manner of instrument by which an Indian vessel or share therein shall be transferred under sub-section (*4*) of section 23;

(*p*) the procedure for registration of the instrument by which an Indian vessel or a share therein shall be transferred under sub-section (*5*) of section 23;

(*q*) the procedure for transmission of property in Indian vessel on death, insolvency, etc., under section 24;

(*r*) the manner in which a vessel ceasing to be an Indian vessel is ordered for sale under section 25;

(*s*) the form of mortgage and the procedure and manner in which the Registrar shall record the mortgage in the register book, under sub-section (*1*) of section 26;

(*t*) the documents required to be produced for the discharge of a registered mortgage of a vessel under sub-section (*4*) of section 26;

(*u*) the form of notice under sub-section (*3*) of section 27;

(*v*) the other liabilities of mortgagee under clause (*d*) of section 28;

(*w*) the manner for transfer of mortgage and the form of instrument effecting the transfer of mortgage, under sub-section (*1*) of section 30;

(*x*) the procedure and conditions for transmission of interest in mortgage under section 31;

(*y*) the manner in which the name of an Indian vessel may be changed under sub-section (*3*) of section 32;

(*z*) the fee for inspection of register book and a certified copy of any entry of the register book under sub-section (*1*) of section 42;

(*za*) the form and manner of application for closure of registration under sub-section (*1*) of section 43;

(*zb*) any other matter which is required to be or may be prescribed.

PART IV

MARITIME EDUCATION AND TRAINING

Certificates to be held by seafarers.

45. (*1*) Every Indian vessel shall have seafarers with manning scales, based on categories of vessel, areas and types of operations, as may be prescribed.

(*2*) The seafarer shall hold certificate of competency or certificate of proficiency granted under section 46 appropriate to his rank in the vessel, or of such higher grade, as may be prescribed:

Provided that an Indian national, including Overseas Citizen of India with such certificate or foreign certificate of competency recognised by the Director-General, may serve on Indian vessels subject to such conditions and restrictions as may be prescribed.

Certificate of competency and certificate of proficiency.

46. (*1*) An officer notified by the Central Government as the issuing authority shall, subject to the provisions of the Standards of Training, Certification and Watchkeeping for Seafarers Convention, grant a certificate of competency or certificate of proficiency for different grades of seafarers with such requirements and procedures as may be prescribed.

(*2*) No certificate of competency or certificate of proficiency shall be granted under sub-section (*1*), unless the seafarer fulfils the requirements in respect of service, age limit, medical fitness, approved training courses including onboard training, qualifications and examination in accordance with the Standards of Training, Certification and Watchkeeping for Seafarers Convention.

(*3*) Notwithstanding anything contained in sub-sections (*1*) and (*2*), the issuing authority notified under sub-section (*1*) may grant such other certificate of competency or certificate of proficiency with such requirements and procedures as may be prescribed.

(*4*) The form, fee, period of validity and the manner of keeping record of a certificate of competency or certificate of proficiency shall be such as may be prescribed.

Training for grant of certificate of competency and certificate of proficiency.

47. (*1*) The Director-General shall administer, supervise and monitor all activities relating to maritime education, training and assessment and approve the training institutes, training courses including onboard training, as applicable and method of conduct of such training course for the grant of certificate of competency or certificate of proficiency under this Part.

(*2*) No certificate of competency or certificate of proficiency referred to in sub-section (*1*) shall be granted unless the training required for certification under the Standards of Training, Certification and Watchkeeping for Seafarers Convention is imparted in accordance with the provisions of this section.

(*3*) The Director-General may, for the purposes of this Part, authorise a surveyor or any person or body of persons to inspect any maritime training institute and the person so authorised in this behalf shall submit the report to the Director-General.

(*4*) The Director-General may, after receipt of the inspection report under sub-section (*3*), if he is satisfied that the maritime training institute has contravened any provisions of this Part, suspend or withdraw the approval granted to such maritime training institute after giving the institute an opportunity of being heard.

(*5*) The Central Government, on receipt of any information pertaining to any training institute operating without obtaining approval of the Director-General under sub-section (*1*), may undertake action against such institute in accordance with such procedure as may be prescribed.

(*6*) Every pilot or person performing the duties of a pilot at any port shall, from time to time, undergo such training and possess such certificates as the Director-General may by order, specify.

Examination for grant of certificates.

48. (*1*) The Central Government shall appoint such persons having the qualifications in accordance with the Standards of Training, Certification and Watchkeeping for Seafarers Convention as examiners for the purposes of assessing and examining the competence of persons desirous of obtaining certificates of competency or proficiency under this Part.

(*2*) The nautical advisor shall be the Chief Examiner for the master and deck department personnel and the chief surveyor shall be the Chief examiner for engine department personnel:

Provided that in the absence of the nautical advisor and the chief surveyor, the Central Government may authorise any surveyor to act as the chief examiner.

(*3*) The manner of conducting examination for certificate of competency or certificate of proficiency, the fees to be charged and the payment to be made to the examiners appointed under sub-section (*1*), shall be such as may be prescribed.

(*4*) The issuing authority referred to in sub-section (*1*) of section 46 shall grant the certificate of competency or certificate of proficiency to every applicant duly reported by the examiners to have passed the examination and achieved the desired level of competence for that grade of certificate with satisfactory evidence of his sobriety, experience, ability and general good conduct onboard vessel.

(*5*) If the issuing authority is not satisfied with the report of the examiner, he may require re-examination of the applicant including inquiry into the applicant's testimonials and character.

(*6*) If it appears to the issuing authority that a person holding a certificate of competency or certificate of proficiency has obtained it based on false or erroneous information, or is guilty of indiscipline or misconduct, incompetency, or any act of omission or commission or compromise to safety, security or prevention of pollution which may pose a threat to life or property or environment, he may, after due investigation, by order, withdraw, suspend or cancel such certificate:

Provided that no order shall be passed under this sub-section without giving the person holding the certificate a reasonable opportunity of being heard.

(*7*) The person whose certificate is withdrawn, suspended or cancelled by the issuing authority under sub-section (*6*) may appeal against such order, in accordance with such procedure as may be prescribed, before such officer as the Central Government may, by notification specify, as the appellate authority.

(*8*) Whenever a person holding a certificate granted under this Part proves to the satisfaction of the issuing authority that he has lost or is deprived of such certificate, the issuing authority shall, on payment of such fee as may be prescribed, grant a copy of the certificate and such copy shall have all the effects of the original certificate.

Production of certificate of competency.

49. (*1*) The master of every vessel shall on demand, produce to the proper officer the certificates of competency of the seafarers of the vessel along with a list containing the particulars of grades of certificates of the seafarers including the master.

(*2*) A surveyor may at any reasonable time, go onboard a vessel to which any of the provisions of this Part applies, for the purpose of ensuring that the seafarers holding certificates granted in accordance with the Standards of Training, Certification and Watchkeeping for Seafarers Convention are actually appointed and are present, and satisfy himself about the adequacy of such seafarers for the watchkeeping duties in ports and at sea.

Recognition of certificates of competency granted in other States.

50. (*1*) Where in a State other than India, certificate of competency is granted under any law for the time being in force in that State which is similar to those referred to in this Act, then if the Central Government is satisfied that,—

(*a*) the conditions under which any certificate of competency is granted in that State are not lower than the standards required for the grant under this Act for corresponding certificates; and

(*b*) the certificate granted under this Act is accepted in that State *in lieu* of the corresponding certificate granted under the laws of that State,

the Central Government may, by notification, declare that any certificate of competency granted under the law in force in that State shall be recognised as equivalent to the corresponding certificate of competency granted under this Act.

(*2*) The certificate recognised under this section as equivalent may be issued with a certificate of endorsement as may be prescribed and a person holding such certificate of endorsement shall be considered as duly certificated under this Act.

Foreign vessel not to sail without seafarers having certificate.

51. (*1*) Every master of a foreign vessel shall, before proceeding to sea from any port or place in India, ensure that the vessel has the requisite number of seafarers of appropriate grades in compliance with the Safety Convention and Standards of Training, Certification and Watchkeeping for Seafarers Convention.

(*2*) A surveyor or any person authorised in this behalf by the Central Government may, at any reasonable time, go onboard a vessel for the purpose of ensuring that the seafarers holding certificates granted in accordance with the Safety Convention and Standards of Training, Certification and Watchkeeping for Seafarers Convention are actually appointed and are present, and satisfy himself about the adequacy of such seafarers for the watchkeeping duties in ports and at sea.

(*3*) If a surveyor or any person authorised under sub-section (*2*) reports any deficiency in a foreign vessel in relation to the requirements of the Safety Convention and Standards of Training, Certification and Watchkeeping for Seafarers Convention and the Central Government is satisfied that it is unsafe for such vessel to proceed to sea, that vessel may be detained by the proper officer till such requirements are fulfilled.

Obligations of certain certificate holders to serve on Indian vessels.

52. Every Indian citizen holding a certificate of competency or certificate of proficiency or certificate recognised under section 50, shall, at any time during which the security of India is threatened or during a proclamation of emergency issued under clause (1) of article 352 of the Constitution, be liable to serve on Indian vessel for such period and on such terms and conditions as the Central Government may, by general or special order, specify in this behalf.

Power to make rules.

53. (*1*) The Central Government may make rules to carry out the provisions of this Part.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the manning scales of the seafarers based on different categories of vessel, areas and types of operations under sub-section (*1*) of section 45;

(*b*) the grade of a certificate and the conditions and restrictions subject to which seafarers may serve on Indian vessels under sub-section (*2*) of section 45;

(*c*) the requirements and procedure for grant of certificate of competency or certificate of proficiency to the different grades of seafarer under sub-section (*1*) of section 46;

(*d*) the requirement and procedure for grant of other certificates of competency or certificates of proficiency under sub-section (*3*) of section 46;

(*e*) the form of certificate, fees and the validity of such certificate and the manner in which the records of certificates are to be kept under sub-section (*4*) of section 46;

(*f*) the procedure in accordance with which the Central Government may undertake action against training institutes operating without approval of the Director-General under sub-section (*5*) of section 47;

(*g*) the manner of conducting examination for certificate of competency or certificate of proficiency, fee to be charged and payment to be made to the examiners under sub-section (*3*) of section 48;

(*h*) the procedure in accordance with which a person may appeal before the appellate authority against the order passed by the issuing authority under sub-section (*7*) of section 48;

(*i*) the fee for grant of certificate if lost or deprived, under sub-section (*8*) of section 48;

(*j*) the certificate of endorsement under sub-section (*2*) of section 50;

(*k*) any other matter which is required to be or may be prescribed.

PART V

SEAFARERS

Application of this Part.

54. Save as otherwise provided, this Part shall apply to,—

(*a*) every seafarer;

(*b*) recruitment and placement service; and

(*c*) ship owners.

Definitions.

55. In this Part, unless the context otherwise requires,—

(*a*) "Declaration of Maritime Labour Compliance" means a declaration issued by the Central Government or by any officer, authority or organisation authorised by the Central Government in this behalf, in respect of a vessel that it meets with the requirements and standards set out in the provisions of the Maritime Labour Convention;

(*b*) "recruitment and placement service" means any person, company, institution, agency or other organisation, in public or private sector which is engaged in recruiting seafarers on behalf of employers or placing seafarers with the employers;

(*c*) "ship owner" means the owner of the ship or any organisation or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on ship owners in accordance with the Maritime Labour Convention, even if any other organisation or persons fulfil certain of the duties or responsibilities on behalf of the ship owner.

Classification of seafarers.

56. (*1*) Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act shall apply to any person employed or engaged as a seafarer.

(*2*) The Central Government shall make rules for the classification of seafarers into different categories, the minimum manning scale of seafarers of such categories, and the different scales for different classes of vessels.

(*3*) Seafarers shall be deemed to be key workers, for the purposes of facilitation of safe and unhindered movement for embarking or disembarking a vessel, shore leave, and when necessary, for shore-based medical treatment.

Application of maritime labour standards to seafarers and vessels.

57. (*1*) The provisions relating to maritime labour standards as contained in the Maritime Labour Convention, shall apply to all seafarers and vessels registered under this Act, but shall not apply to,—

(*a*) vessels which navigate exclusively in inland waters or waters within, or closely adjacent to, sheltered waters or areas where any law for the time being in force relating to ports apply;

(*b*) vessels engaged in fishing activities;

(*c*) traditionally built vessels such as dhows and junks;

(*d*) vessels of war or naval auxiliaries.

(*2*) Every vessel registered under this Act and every vessel other than an Indian vessel while within the jurisdiction of India shall, subject to such conditions as may be prescribed, be in possession of a certificate granted in accordance with the provisions of the Maritime Labour Convention.

(*3*) No vessel shall proceed to sea unless it is in possession of the certificate referred to in sub-section (*2*).

(*4*) The ship owner and the recruitment and placement service provider shall jointly and severally be liable to discharge the responsibilities of the ship owner and such service provider shall be deemed to be the ship owner for the purposes of offences and penalties under sections 281 and 282.

Duties of shipping master, director and seafarer's welfare officer.

58. (*1*) It shall be the duty of the shipping master to—

(*a*) monitor and facilitate the engagement and discharge of seafarers in the manner provided under this Act;

(*b*) provide means for securing the presence onboard at the proper times of seafarers who are so engaged;

(*c*) grant such continuous discharge certificate and seafarer's identity documents in such form and manner as may be prescribed;

(*d*) hear and decide disputes between a master, ship owner or his agent and any of the seafarers;

(*e*) transmit the complaint of any dispute arising in the territorial waters of India, of a foreign seafarer with the master, ship owner or his agent in respect of a vessel registered in a State other than India, to the competent authority of the country of registration and a copy of such complaint shall be forwarded to the Director-General, International Labour Organisation Office.

(*2*) It shall be the duty of the director to—

(*a*) grant licence subject to such conditions as may be prescribed, regulate and control the recruitment and placement service and,—

(*i*) ensure that no fees or other charges for recruitment or placement of seafarers are borne directly or indirectly or in whole or in part, by the seafarers other than the cost of the seafarer obtaining a national statutory medical certificate, the national seafarer's book and a passport or other similar personal travel documents, not including, however, the cost of visas, which shall be borne by the ship owner;

(*ii*) ensure that adequate machinery and procedures exist for the investigation, if necessary, of complaints concerning the activities of recruitment and placement services; and

(*iii*) to maintain registers of seafarers in respect of the categories of seafarers;

(*b*) inspect and verify the books of account and financial documents of the recruitment and placement service provider and maritime training institute approved under this Act as and when directed by the Director-General;

(*c*) perform such duties of the shipping master as the Director-General may by order direct.

(*3*) It shall be the duty of the seafarer's welfare officer—

(*a*) in the case of any officer appointed at any port in India, to perform such functions in relation to welfare of seafarers as may be assigned to him by the Central Government;

(*b*) in the case of any officer appointed at any port outside India, to perform such functions in relation to welfare of seafarers and such functions of an Indian ambassador as may be assigned to him by the Central Government and such functions shall have the same effect as if they had been performed by an Indian ambassador for the purposes of this Part.

(*4*) The shipping master or the director or the seafarer's welfare officer shall also perform such other duties as the Central Government may, by general or special order, specify in this behalf.

Minimum age for seafarers.

59. No person under the age of sixteen years shall be engaged, employed or work onboard any vessel.

Medical certificate.

60. No person shall engage or carry to sea any seafarer to work in any capacity in any vessel, unless the seafarer is in possession of a certificate to the effect that he is medically fit to be employed in that capacity granted in such form and by such authority as may be prescribed.

Training and qualifications.

61. (*1*) The Central Government may, by order, direct that the seafarers generally or any category of seafarers in particular shall not be engaged or carried to sea to work in any capacity in any vessel or in any class of vessels specified in the said order, unless each one of them possesses such qualifications as may be specified by the Director-General, in accordance with the Safety Convention and Standards of Training, Certification and Watchkeeping for Seafarers Convention.

(*2*) The ship owner shall ensure that the seafarers shall not work on the vessel unless they are trained or certified as competent or otherwise qualified to perform their duties and have successfully completed training for personal safety onboard vessel.

(*3*) The training and certification under sub-section (*2*), shall be in accordance with the mandatory instruments adopted by the International Maritime Organisation.

Recruitment and placement of seafarers.

62. (*1*) The seafarer shall be engaged only by,—

(*a*) the recruitment and placement service agency possessing the licence granted under this Part; or

(*b*) the owners in the case of Indian vessel for the vessel owned by them.

(*2*) No person,—

(*a*) other than an owner of Indian vessel in respect of the vessel owned by him, shall carry on the business of recruitment and placement service, unless he is in possession of a valid licence granted under this Part;

(*b*) shall engage any seafarer under this Act in any vessel unless the seafarer is in possession of a continuous discharge certificate and seafarer's identity documents issued under this Part except as otherwise exempted;

(*c*) shall demand or receive, either directly or indirectly from any seafarer or person seeking onboard training or employment as seafarer or any person on his behalf, any remuneration or fees or other charges for seafarer recruitment or placement or for providing onboard training or employment to seafarer or person seeking onboard training or employment as seafarer:

Provided that the cost of obtaining a medical certificate, the continuous discharge certificate or identity document and a passport or other similar personal travel documents by the seafarer may be borne by the seafarer or any person on his behalf but not including the cost of visas, which shall be borne by the ship owner;

(*d*) shall discriminate between seafarers as regards their recruitment and engagement onboard any vessel,—

(*i*) on the ground of their membership or lack of membership in any particular union purporting to represent the interests of seafarers;

(*ii*) on the basis of training institute from where they obtained the training or the place of grant of their continuous discharge certificates.

(*3*) The Central Government or any officer authorised by it in this behalf, if satisfied that in the national interest or in the interest of seafarer, it is necessary so to do, may, by order in writing, prohibit the master or ship owner or his agent other than of an Indian vessel specified in the order, from engaging any person to serve as a seafarer on such vessel.

(*4*) The services of the seafarer engaged in contravention of sub-section (*1*) shall not be recognised for the purposes of certification under Part IV.

(*5*) The Director-General may suspend or withdraw the continuous discharge certificate or certificate of competency or the certificate of proficiency of a seafarer who seeks or obtains employment as a seafarer in violation of sub-section (*1*) and clause (*a*) of sub-section (*2*), with his own knowledge:

Provided that no order for suspension or withdrawal of any certificate shall be passed unless the seafarer has been given a reasonable opportunity of being heard.

(*6*) Every recruitment and placement service agency possessing the licence granted under this Part shall,—

(*a*) ensure that the ship owner has the financial ability to repatriate abandoned seafarers;

(*b*) ensure that the ship owner repatriates abandoned seafarers along with their maintenance and required medical assistance before such repatriation;

(*c*) in case of death, transport the mortal remains of a deceased seafarer;

(*d*) ensure that the labour conditions on the vessel where the seafarer is placed are in conformity with the seafarer's employment agreement;

(*e*) ensure that any incident onboard the vessel causing injury, disappearance or death, is reported within twenty-four hours of receipt of such information to such authority, in such form and manner as may be prescribed;

(*f*) ensure that reports in relation to seafarers recruited or placed through the recruitment and placement service agency, including any change in the terms and conditions of the recruitment and placement, are submitted to such authority, in such form and manner within such time as may be prescribed;

(*g*) undertake such other responsibilities as may be prescribed.

Agreement with seafarers.

63. (*1*) The master or owner of every Indian vessel or recruitment and placement service agency for Indian vessel or foreign vessel shall enter into seafarers' employment agreement in such form and manner as may be prescribed with every seafarer whom he engages and shall submit a copy thereof to the shipping master.

(*2*) Notwithstanding anything contained in any other provisions of this Act, the master of an Indian vessel registered at a port outside India, or owner of such vessel or his agent who has an agreement with the seafarer made in due form according to the law of that port or of the port in which her seafarer is engaged, may engage in any port in India—

(*a*) a seafarer who is not a citizen of India and who holds a continuous discharge certificate or any other similar document of identity issued by the competent authority of the State in which the vessel is registered or, of the State in which the said agreement was made; or

(*b*) a seafarer who is a citizen of India and who holds a continuous discharge certificate granted under this Act,

and any seafarer so engaged under clause (*a*) or clause (*b*) may sign the agreement aforesaid.

(*3*) A seafarer shall, before signing a seafarers' employment agreement, be given an opportunity to examine and seek advice on the agreement to ensure that he has freely entered into an agreement with sufficient understanding of his rights and responsibilities.

Wages.

64. (*1*) Every ship owner of an Indian vessel shall ensure that full payments due to seafarers are made to them at not later than monthly intervals and are given a monthly account of payments due and amounts paid, including wages and additional payments.

(*2*) If any amount in respect of wages payable to a seafarer under a seafarer employment agreement is not paid within the monthly interval, the seafarer shall be entitled to wages at the rate last payable under the seafarers' employment agreement for every day on which it remains unpaid until the full amount is paid, along with interest at such rate as may be prescribed but no interest shall be payable if the failure to make such monthly payment was due to—

(*a*) a reasonable mistake; or

(*b*) a reasonable dispute as to liability; or

(*c*) the act or default of the seafarer; or

(*d*) any other cause not being the wrongful act or default of the persons liable to make the payment or of their servants or agents.

Hours of rest.

65. Every ship owner shall ensure that every seafarer in his employment is given such hours of rest as may be prescribed.

Entitlement to leave.

66. Every ship owner of an Indian vessel shall ensure that seafarers are allowed paid annual leave subject to such conditions as may be prescribed.

Repatriation.

67. (*1*) Seafarers shall have the right to be repatriated at no cost to themselves in such circumstances and subject to such conditions as may be prescribed.

(*2*) Every ship owner of an Indian vessel shall provide such financial security to ensure that seafarers are duly repatriated in such manner as may be prescribed.

(*3*) When the service of a seafarer is terminated without the consent of the seafarer at a port outside India before the expiration of the period for which the seafarer was engaged, the master, ship owner or his agent shall, in addition to any other related obligation imposed on either of them by this Act, make adequate provision for the maintenance of the seafarer according to his rank or rating, and for the return of that seafarer to a proper return port.

(*4*) If the master, ship owner or his agent fails to repatriate seafarers, the expenses of maintenance and of the journey to the proper return port shall, if defrayed by the seafarer, be recoverable as wages due to him, and if defrayed by an Indian ambassador, shall constitute a debt due to the Central Government in accordance with the provisions of sub-section (*3*) or sub-section (*4*) of section 91.

Compensation for vessel's loss or foundering.

68. In case of loss or foundering of any vessel, the ship owner shall pay to each seafarer onboard such indemnity against unemployment resulting from such loss or foundering, as may be prescribed.

Manning levels.

69. Every vessel shall employ such number of seafarers, as may be prescribed, onboard to ensure that vessels are operated safely and efficiently with due regard to security under all conditions, taking into account concerns about seafarer's fatigue and the particular nature and conditions of the voyage.

Accommodation and recreational facilities.

70. Every ship owner shall provide and maintain such accommodations and recreational facilities for seafarers working or living onboard, or both, consistent with promoting the seafarer's health and well-being, as may be prescribed.

Food and catering.

71. (*1*) Every ship owner shall provide for food and drinking water having quality, nutritional value and quantity that adequately covers the requirements of the seafarers and takes into account the differing cultural and religious background.

(*2*) Seafarers onboard a vessel shall be provided with food and water free of charge during the period of engagement.

(*3*) The ship owner shall ensure that the seafarers who are engaged as cooks of the vessel are trained, qualified and found competent as specified by the Director-General.

Medical care.

72. It shall be the duty of the ship owner to take such measures for providing protection of health and medical care, at no cost to seafarers employed onboard the vessel, as may be prescribed.

Ship owners' liability.

73. (*1*) The ship owner shall ensure that seafarers employed on the vessels are provided with a right to material assistance and support with respect to the financial consequences of sickness, injury or death occurring while serving under a seafarers' employment agreement or arising from their employment under such agreement.

(*2*) Nothing contained in sub-section (*1*) shall affect any other legal remedy available to a seafarer under any other law for the time being in force.

Health and safety protection and accident prevention.

74. Every ship owner shall ensure that seafarers working onboard the vessel are provided with occupational health protection and they live, work and train onboard vessel in a safe and hygienic environment, in accordance with such guidelines as the Director-General may by order, specify.

Social security.

75. All seafarers shall have access to such branches of social security protection as may be prescribed.

Flag State responsibilities.

76. (*1*) The Central Government shall, for the purposes of giving effect to the provisions of Part A of the Code of the Maritime Labour Convention relating to flag State responsibilities, make rules for all or any of the following matters, namely:—

(*a*) establishing an effective system for inspection and certification of maritime labour conditions;

(*b*) authorise public institutions or other organisations competent to carry out inspections or grant certificates;

(*c*) effective and coordinated system of regular inspections, monitoring and other control measures;

(*d*) onboard complaint procedure for the fair, effective and expeditious hearing of seafarer's complaint alleging breach of the Maritime Labour Convention; and

(*e*) compliance and enforcement.

(*2*) The Central Government shall, by order, specifiy such Indian vessels which shall carry and maintain Declaration of Maritime Labour Compliance.

Port State responsibilities.

77. (*1*) The Central Government shall, for the purposes of giving effect to the provisions of Part A of the Code of the Maritime Labour Convention relating to port State responsibilities, make rules for all or any of the following matters, namely:—

(*a*) establishing an on shore complaint redressal procedure;

(*b*) establishing a procedure for inspections in port;

(*c*) compliance and enforcement.

(*2*) The Director-General shall notify a system for inspection of vessels and the procedure for port State inspections, including—

(*a*) the requirement to develop, maintain and update an electronic inspection database, containing all information required for implementation of an effective and coordinated system of regular inspections; and

(*b*) specifying risk profile of all vessels calling at Indian ports in the inspection database.

Rules for enforcement of Maritime Labour Convention.

78. (*1*) The Central Government shall, for the purposes of giving effect to the provisions of Part A of the Code of the Maritime Labour Convention, make rules for all or any of the following matters, namely:—

(*a*) minimum age;

(*b*) medical certificate;

(*c*) training and qualifications;

(*d*) recruitment and placement;

(*e*) seafarers' employment agreements;

(*f*) payment of wages;

(*g*) hours of work and hours of rest;

(*h*) entitlement to leave;

(*i*) repatriation;

(*j*) compensation in case of loss of vessel or foundering;

(*k*) manning levels;

(*l*) service conditions including skill development opportunities;

(*m*) accommodation, recreational facilities, food and catering;

(*n*) ship owners' liability;

(*o*) health protection, medical facilities, welfare and social security protection;

(*p*) any other matter which is to be or may be required for compliance and enforcement of the Maritime Labour Convention.

(*2*) The Central Government may, for the purposes of giving effect to, Part B of the Code of the Maritime Labour Convention and any other provision of the Maritime Labour Convention which has not been given effect to in this Act, make rules for all or any of the matters specified in sub-section (*1*).

Payment of wages.

79. (*1*) Where the service of any seafarer engaged under this Act is terminated before the date specified in the agreement by reason of the wreck, loss or abandonment of the vessel or by reason of his being left on shore at any place outside India under a certificate granted under this Act of his unfitness or inability to proceed on the voyage, the seafarer shall be entitled to receive wages on such terms and conditions, including the periods during which such seafarer shall not be entitled to wages, as may be prescribed.

(*2*) Subject to such exceptions as may be prescribed, a seafarer shall not be disentitled to claim wages for any period during which he has not performed his duty, if he proves that he was incapable of doing so by reason of illness, hurt or injury.

(*3*) If a seafarer having signed an agreement is discharged otherwise than in accordance with the terms thereof, without fault on his part justifying the discharge and without his consent, he shall be entitled to receive from the master or ship owner or his agent, in addition to any wages which he may have earned, as due compensation for the damage caused to him by the discharge, such sum as the shipping master may fix having regard to the circumstances relating to the discharge, which may be recovered as wages.

(*4*) The compensation so payable under sub-section (*3*) shall not exceed—

(*a*) in the case of a seafarer who has been discharged before the commencement of a voyage, one month's wages; and

(*b*) in the case of a seafarer who has been discharged after the commencement of a voyage, three month's wages.

Discharge of seafarers.

80. (*1*) A seafarer serving in an Indian vessel shall, on termination of his engagement, be discharged in such manner as may be prescribed.

(*2*) If an Indian vessel is transferred or disposed of while she is at sea or on a voyage to any port outside India, every seafarer belonging to that vessel shall be discharged at that port, unless he consents in writing to complete the voyage in the vessel, if continued.

(*3*) If a seafarer is discharged from an Indian vessel without his consent and before the expiration of the period for which the seafarer was engaged, he shall be duly repatriated in accordance with the provisions of section 67.

(*4*) Every seafarer discharged in terms of sub-section (*2*) shall, if the voyage for which he was engaged is not continued, be entitled to the wages to which he would have been entitled had his service been wrongfully terminated by the ship owner before the expiration of the period for which the seafarer was engaged.

(*5*) The master of an Indian vessel shall not,—

(*a*) discharge a seafarer before the expiration of the period for which he was engaged, unless the seafarer consents to his discharge; or

(*b*) except in circumstances beyond his control, leave a seafarer behind, without the authority of the officer specified in this behalf by the Central Government and such officer shall certify on the agreement with seafarer that he has granted such authority, and also the reason for the seafarer being discharged or the seafarer being left behind:

Provided that such officer shall, before discharging or leaving behind such seafarer, investigate the grounds on which the seafarer is to be discharged or left behind and may in his discretion grant or refuse to grant such authority:

Provided further that he shall not refuse to grant his authority if he is satisfied that the seafarer, without reasonable cause,—

(*a*) has failed or refused to join his vessel or to proceed to sea therein; or

(*b*) has been absent from his vessel without leave, either at the commencement or during the progress of a voyage for a period of more than forty-eight hours.

(*6*) The officer referred to in clause (*b*) of sub-section (*5*) shall keep a record of all seafarers discharged or left behind with his authority and whenever any charge is made against a seafarer under section 98, the fact that no such authority is so recorded shall be *prima facie* evidence that it was not granted.

Wages and property of deceased seafarers and seafarers left behind.

81. If any seafarer is left behind or lost overboard or is deceased, the master shall enter in the official logbook a statement of the amount due to the seafarer in respect of wages at the time when he was left behind or lost overboard or is deceased, and of all property left onboard by him, and shall take such property into his charge and discharge the property in such manner as may be prescribed.

Certain undisbursed amounts to be utilised for welfare of seafarers.

82. Any amount deposited with or recovered by the shipping master as wages or for making payment in accordance with the allotment note made by a seafarer or for being paid to a seafarer or his nominee may, if such amount remains unclaimed with the shipping master for a period of not less than six years, be utilised for the welfare of seafarer in such manner and subject to such restrictions and conditions as may be prescribed.

Shipping master to adjudicate disputes involving seafarer.

83. (*1*) Where under the agreement with the seafarer any dispute arises between the master, ship owner or his agent and any of the seafarer of the vessel, it shall be submitted to the shipping master.

(*2*) Any dispute of an Indian seafarer, on a vessel registered in a State other than India, in the territorial waters of India, with the master or ship owner or his agent, may be submitted to the shipping master.

(*3*) The shipping master shall hear and after giving the parties an opportunity to be heard, decide the dispute submitted under sub-section (*1*) or sub-section (*2*), pass an award in writing containing reasons, within a period of thirty days which shall be conclusive as to the rights of parties and any document relating to such dispute or award itself shall be *prima facie* evidence thereof:

Provided that if the shipping master does not pass an award within thirty days from the date of receipt of the dispute for sufficient cause, the shipping master may pass an award within a further period of thirty days.

(*4*) The award passed by the shipping master shall be enforceable in accordance with the provisions of the Code of Civil Procedure, 1908 in the same manner as if it were a decree of court. 5 of 1908.

(*5*) Nothing in the Arbitration and Conciliation Act, 1996 shall apply to any matter submitted to a shipping master for decision under this section. 22 of 1996.

Power of shipping master to require production of documents.

84. In any proceedings under this Act before a shipping master relating to the wages, claims or discharge of a seafarer, the shipping master may require the ship owner or his agent, master or seafarer to produce any logbooks, papers, or other documents in his possession or in his power relating to any matter in question in the proceedings, and may require the attendance of and examine any of those persons.

Wages not recoverable outside India in certain cases.

85. Where a seafarer is engaged for a voyage which is to terminate in India, he shall not be entitled to sue in any court outside India for wages unless he is discharged with such sanction as is required by this Act and with the written consent of the master, or proves such ill-usage on the part, or by the authority, of the master, as to warrant a reasonable apprehension of danger to his life if he were to remain onboard.

Summary proceedings for wages.

86. (*1*) A seafarer or a person duly authorised by him, as soon as any wages due to him become payable but not paid, may apply to any Judicial Magistrate of the first class exercising jurisdiction in or near the place at which his service has terminated or at which he has been discharged, or at which any person upon whom the claim is made is or resides, and such Magistrate shall try the case summarily and the order made by such Magistrate in the matter shall be final.

(*2*) An application under sub-section (*1*) may also be made by any officer authorised by the Central Government in this behalf by general or special order.

Restrictions on suits for wages.

87. A proceeding for the recovery of wages due to a seafarer shall not be instituted by or on behalf of any seafarer in any civil court except where,—

(*a*) the ship owner has been declared insolvent;

(*b*) the vessel is under arrest or sold by the authority of any court; or

(*c*) a Judicial Magistrate of the first class refers a claim to the court.

Remedies of master for wages, disbursements, etc.

88. (*1*) The master of a vessel shall, so far as the case permits, have the same rights, liens and remedies for the recovery of his wages as a seafarer has under this Act or by any law or custom.

(*2*) Every master shall have the same rights, liens and remedies for the recovery of disbursements or liabilities properly made or incurred by him on account of the vessel as such master has for the recovery of his wages.

(*3*) Every person lawfully acting as master of a vessel by reason of the disease or incapacity from illness, of the master of such vessel shall, so far as the case permits, have the same rights, liens and remedies for the recovery of disbursements or liabilities properly made or incurred by him on account of the vessel as a master has for the recovery of his wages.

Power to refer disputes between seafarers and employers to Tribunal.

89. (*1*) Where the Central Government is of the opinion that any dispute between seafarer or any class of seafarers or of any union of seafarers and the ship owners in which such seafarers are employed or are likely to be employed exists or is apprehended and such dispute relates to any matter connected with or incidental to the employment of the seafarers, the Central Government may, by notification, constitute a Tribunal consisting of one or more persons, having such qualifications and experience as may be prescribed including having knowledge of maritime matter, and refer the dispute to the Tribunal for adjudication.

(*2*) The Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice.

5 of 1908.

(*3*) The Tribunal shall also not be bound by the rules of evidence contained in the Bharatiya Sakshya Adhiniyam, 2023.

47 of 2023.

(*4*) The Tribunal shall, for the purposes of discharging its functions under this Act, have power to regulate its own procedure and shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit in respect of the following matters, namely:—

5 of 1908.

(*a*) summoning and enforcing the attendance of any person and examining him on oath;

(*b*) compelling the production of documents;

(*c*) receiving evidence on affidavits;

(*d*) issuing commissions for the examination of witnesses;

(*e*) any other matter which is required to be or may be prescribed.

(*5*) Any proceeding before the Tribunal shall be deemed to be a judicial proceeding within the meaning of section 229 and section 267 of the Bharatiya Nyaya Sanhita, 2023.

45 of 2023.

(*6*) No party to a dispute shall be entitled to be represented by a legal practitioner in any proceeding before the Tribunal except with the consent of the other party or parties to the proceeding and with the leave of the Tribunal.

(*7*) The Tribunal shall dispose of the reference and submit its award to the Central Government within such period as may be prescribed.

(*8*) On receipt of the award, the Central Government shall cause it to be published and the award shall become enforceable on the expiry of thirty days from the date of such publication:

Provided that where the Central Government is of the opinion that it shall be inexpedient on the grounds of public interest to give effect to the award or any part of it, it may, before the expiry of the said period of thirty days by order in the Official Gazette, either reject the award or modify it, and where the Central Government does so, the award shall not become enforceable or shall become enforceable subject to such modifications.

(*9*) An award which has become enforceable under this section shall be binding on—

(*a*) all parties to the dispute;

(*b*) where any party to the dispute is the ship owner, his heirs, successors, or assignees.

(*10*) Save as otherwise provided in the award, an award shall remain in operation for a period of one year from the date on which it becomes enforceable and shall thereafter continue to remain in operation until a period of two months has elapsed from the date on which notice is given by any party bound by the award to the other party or parties intimating its intention to terminate the award.

(*11*) Unless otherwise directed by the Central Government, the Tribunal shall cease to exist on the expiry of a period of thirty days after publication of the award.

(*12*) Any money due to a seafarer from the ship owner under an award may be recovered as wages.

(*13*) Nothing contained in the Industrial Disputes Act, 1947 shall apply to any dispute between seafarers or any class of seafarers or any union of seafarers and the ship owners in respect of the ship in which such seafarers are employed or are likely to be employed. 14 of 1947.

(*14*) During the pendency of proceedings under this section,—

(*a*) no seafarer or class of seafarers or union of seafarers shall go or remain on strike or otherwise act in a manner prejudicial to the normal operation of the vessels in which the seafarer is employed or is likely to be employed; and

(*b*) no ship owner shall,—

(*i*) alter to the prejudice of the seafarers concerned in the dispute, the conditions of service applicable to them immediately before the commencement of such proceedings; or

(*ii*) discharge or punish any seafarer in respect of any matter connected with the dispute.

Recovery of wages, etc., of seafarers lost with vessel.

90. Where a seafarer is missing or lost with the vessel to which he belongs, the Central Government or such officer as the Central Government may appoint in this behalf may recover the wages and the compensation due to him from the master or ship owner or his agent in the same court and in the same manner in which the seafarer's wages are recoverable, and shall deal with those wages in the same manner as with the wages and compensation due to other deceased seafarers under this Act.

Relief and maintenance of abandoned seafarers.

91. (*1*) The Indian ambassador at or near the place where a seafarer is abandoned shall, on an application being made to him by the abandoned seafarer, provide in accordance with the rules made under this Act for the return of that seafarer to a proper return port and also for his necessary clothing and maintenance until his arrival at such port.

(*2*) An abandoned seafarer shall not have any right to be maintained or sent to a proper return port except to the extent and subject to such conditions as may be prescribed.

(*3*) All repatriation expenses, other than excepted expenses, incurred by or on behalf of the Central Government in accordance with the provisions of this Act shall constitute a debt due to the Central Government for which the ship owner or his agent or the vessel to which the seafarer in respect of whom they were incurred belonged at the time of his discharge or other event which resulted in his becoming an abandoned seafarer shall be liable, and the ship owner or his agent shall not be

entitled to recover from the seafarer any amount paid by him to the Central Government in settlement or part settlement of such debt.

(*4*) All excepted expenses incurred by or on behalf of the Central Government in accordance with the provisions of this Act shall constitute a debt due to the Central Government for which the seafarer in respect of whom they were incurred and the ship owner or his agent or the vessel to which that seafarer belonged at the time of his discharge or other event which resulted in his becoming an abandoned seafarer shall be jointly and severally liable, and the ship owner or his agent shall be entitled to recover from the seafarer any amount paid by him to the Central Government in settlement or part settlement of such debt, and may apply to the satisfaction of his claim so much as may be necessary of any wages due to the seafarer.

(*5*) All excepted expenses incurred in accordance with the provisions of this Act in respect of any abandoned seafarer by the ship owner or his agent or the vessel to which he belonged at the time of his discharge or other event which resulted in his becoming an abandoned seafarer shall constitute a debt due to the ship owner or his agent for which the seafarer shall be liable, and the ship owner or his agent may apply to the satisfaction of his claim so much as may be necessary of any wages due to the seafarer but he shall not be entitled to recover from the seafarer any repatriation expenses other than excepted expenses.

(*6*) In any proceedings for the recovery of any expenses which in terms of sub-section (*3*) or sub-section (*4*) are a debt due to the Central Government, the production of an account of the expenses and proof of payment thereof by or on behalf of or under the direction of the Central Government shall be *prima facie* evidence that the expenses were incurred in accordance with the provisions of this Act by or on behalf of the Central Government.

(*7*) Any debt which may be due to the Central Government under this section may be recovered by any officer authorised by it in writing in this behalf from the person concerned in the same manner as the wages are recoverable under section 86.

Explanation.—For the purposes of this section,—

(*a*) "excepted expenses" means repatriation expenses incurred in cases where the cause of the seafarer being left behind is desertion or absence without leave or imprisonment for misconduct or discharge from his vessel on the grounds of misconduct;

(*b*) "repatriation expenses" means expenses incurred in returning an abandoned seafarer to a proper return port and in providing him with necessary clothing and maintenance until his arrival at such port, and includes in the case of a shipwrecked seafarer, the repayment of expenses incurred in conveying him to a port after shipwreck and maintaining him while being so conveyed;

(*c*) "shipping master" means a shipping master,—

(*i*) for the port at which the seafarer entered into, or is believed to have entered into, an agreement; or

(*ii*) where the seafarer did not enter into an agreement in India, for the port to which the seafarer has returned, or is expected to return, on the completion of his latest voyage.

Replacement crew onboard abandoned vessels.

92. (*1*) If the ship owner of any abandoned Indian vessel or any foreign vessel abandoned on or near the coast of India or within its coastal waters fails to make arrangement for or to meet the cost of arranging for replacement crew to be sent onboard the vessel whose seafarers are required to be repatriated, the Central Government shall arrange for replacement crew to be sent onboard such vessel.

(*2*) The cost incurred by or on behalf of the Central Government under sub-section (*1*) shall constitute a debt due to the Central Government liable to be paid by the ship owner or his agent for the seafarer in respect of whom they were incurred and the ship owner or his agent shall not be entitled to recover from the seafarer any amount paid by him to the Central Government in settlement or part settlement of such debt.

(*3*) In any proceedings for the recovery of any expenses which in terms of sub-section (*2*) are a debt due to the Central Government, the production of an account of the expenses and proof of payment thereof by or on behalf of or under the direction of the Central Government shall be *prima facie* evidence that the expenses were incurred in accordance with the provisions of this Act by or on behalf of the Central Government.

(*4*) Any debt which may be due to the Central Government under this section may be recovered by any officer authorised by it in writing in this behalf from the person concerned in the same manner as the wages are recoverable under section 86.

(*5*) In any proceeding under this Part, a certificate of the Central Government or of such officer as the Central Government may specify in this behalf, to the effect that any seafarer named therein is abandoned, shall be conclusive evidence that such seafarer is an abandoned seafarer within the meaning of this Act.

Inspection by shipping master, etc.

93. (*1*) A shipping master, surveyor, seafarer's welfare officer, Indian ambassador or any other officer at any port duly authorised in this behalf by the Central Government shall, at any time,—

(*a*) in the case of any vessel upon which the seafarer has been shipped at that port; and

(*b*) in the case of any Indian vessel, and if the master or three or more of the seafarers so request,

enter onboard the vessel and inspect,—

(*i*) the provisions and water;

(*ii*) the weights and measures;

(*iii*) the accommodation for seafarers,

with which the vessel is required to be provided by or under this Act and also the space and equipment used for the storage and handling of food, water and the galley and other equipment used for the preparation and service of meals;

(*iv*) the Maritime Labour Certificate and Declaration of Maritime Labour Compliance.

(*2*) All Indian vessels engaged in international voyage or operating from a port, or between ports, in another State, shall possess a Maritime Labour Certificate and a Declaration of Maritime Labour Compliance.

Explanation.—For the purposes of this sub-section, "international voyage" means a voyage from or to a port or place in India to or from a port or place outside India or between any ports outside India.

(*3*) The vessels not covered under sub-section (*2*) shall, unless exempted by the Central Government, possess such certificate in such manner and form as may be prescribed.

(*4*) For the purpose of preventing seafarer from being taken onboard any vessel at any port in India contrary to the provisions of this Act, a shipping master or deputy shipping master or assistant shipping master or a director, or deputy director or assistant director of the seafarer's employment office may enter at any time, onboard any such vessel upon which he has reasons to believe that seafarers have been shipped, and may muster and examine the seafarers employed therein.

Explanation.—For the purposes of this section, "Maritime Labour Certificate" means a certificate granted by the Central Government or by any officer, authority or organisation authorised by it in this behalf, in accordance with the provisions of the Maritime Labour Convention.

Special provisions for protection of seafarers in respect of litigation.

94. (*1*) A seafarer shall for the purposes of this Part, be deemed to be a serving seafarer during any period commencing on the date of the agreement with seafarers and ending thirty days after the date on which the seafarer is finally discharged from such agreement.

(*2*) Every seafarer who is a party to a litigation shall be protected to the extent, subject to such terms and conditions and in such manner, as may be prescribed.

Facilities for making complaint.

95. If a seafarer states to the master that he desires to make a complaint to a Judicial Magistrate of the first class or other proper officer against the master or any of the seafarers, the master shall,—

(*a*) if the vessel is then at a place where there is a Judicial Magistrate of the first class or other proper officer, as soon after such statement as the service of the vessel shall permit; and

(*b*) if the vessel is not then at such place, as soon after her first arrival at such place as the service of the vessel shall permit,

allow the complainant to go ashore or send him ashore under proper protection to enable him to make the complaint.

Vessel not to be boarded without permission.

96. Where a vessel has arrived at a port or place in India at the end of a voyage and any person, not being in the service of the Government or not being duly authorised by law for the purpose, goes onboard the vessel without the permission of the master, the master may take such person into custody and deliver him up forthwith to a police officer to be taken before a Judicial Magistrate of the first class and dealt with according to the provisions of this Act.

Misconduct endangering life or vessel.

97. No seafarer belonging to an Indian vessel wherever it may be, or to any other vessel while in India, shall knowingly,—

(*a*) do anything tending to the immediate loss or destruction of, or serious damage to, the vessel, or tending immediately to endanger the life of, or to cause injury to any person belonging to or onboard the vessel; or

(*b*) refuse or omit to do any lawful act proper and requisite to be done by him for preserving the vessel from immediate loss, destruction or serious damage, or for preserving any person belonging to or onboard the vessel from danger to life or from injury.

Desertion and absence without leave.

98. (*1*) No seafarer lawfully engaged shall,—

(*a*) desert his vessel; or

(*b*) neglect or refuse, without reasonable cause, to join the vessel or proceed to sea in his vessel or be absent without leave at any time within twenty-four hours of the vessel's sailing from a port either at the commencement or during the progress of a voyage, or be absent at any time without leave and without sufficient reason from his vessel or from his duty.

(*2*) For the purposes of sub-section (*1*), the fact that the vessel on which the seafarer is engaged or to which he belongs is unseaworthy, shall be deemed to be a reasonable cause for desertion or absence without leave:

Provided that the seafarer has, before failing or refusing to join his vessel or to proceed to sea in his vessel or before absenting himself or being absent from the vessel complained to the master or a shipping master, surveyor, seafarer's welfare officer, port health officer, Indian ambassador or any other officer at any port duly authorised in this behalf by the Central Government, that the vessel is unseaworthy.

(*3*) If it is shown to the satisfaction of a shipping master that a seafarer has deserted his vessel or has absented himself without leave and without sufficient reason from his vessel or from his duty, the shipping master shall forthwith make a report to that effect to the Director-General who may thereupon direct that the seafarer's continuous discharge certificate and seafarer identity document shall be withheld for such period as may be specified in that direction, or may suspend or withdraw the certificate of competency or certificate of proficiency of the deserting seafarer, if it is established that such desertion was without leave or sufficient reason:

Provided that no order of withholding, suspension or cancellation shall be passed unless the seafarer has been given an opportunity of being heard.

(*4*) If a seafarer deserts his vessel or is absent without leave and without sufficient reason from his vessel or from his duty, the master, any seafarer, the ship owner or his agent may, without prejudice to any other action that may be taken against the seafarer under this Act, convey him onboard his vessel and may for that purpose cause to be used such force as may be reasonable in the circumstances of the case.

(*5*) If, either at the commencement or during the progress of any voyage, a seafarer engaged in an Indian vessel commits outside India, the offence of desertion or absence without leave or any offence against discipline, the master or the ship owner or his agent may, if and so far as the laws in force in the place permit, arrest him without procuring a warrant.

(*6*) No person shall convey onboard or arrest a seafarer on improper or insufficient grounds.

(*7*) Where a seafarer is brought before a court on the ground of desertion or of absence without leave or of any offence against discipline, and the master or the ship owner or his agent so requires, the court may, *in lieu* of committing and sentencing him for the offence, cause him to be conveyed onboard his vessel for the purpose of proceeding on the voyage, or deliver him to the master or the ship owner or his agent to be by them so conveyed, and may in such case order any costs and expenses properly incurred by or on behalf of the master or ship owner by reason of the conveyance to be paid by the offender and, if necessary, to be deducted from any wages which he has then earned or by virtue of his then existing engagements may afterwards be earned.

General liability against discipline.

99. (*1*) Any seafarer lawfully engaged shall be liable to penalty or be guilty of an offence under this Act, if he commits any of the following acts, namely:—

(*a*) if he quits the vessel without leave after her arrival at her port of delivery and before she is placed in security;

(*b*) if he has received an advance payment on the basis of his agreement and wilfully or through misconduct fails to attend his vessel or desert therefrom before the payment becomes due to him;

(*c*) if he wilfully disobeys any lawful command or neglects the duty;

(*d*) if he continues to wilfully disobey any lawful commands or if he combines with any of the seafarers to wilfully disobey any lawful commands, or continues with wilful neglect of duty or if he combines with any of the seafarer to neglect duty or to impede the navigation of the vessel or retard the progress of the voyage;

(*e*) if he assaults the master or any other seafarer belonging to the vessel;

(*f*) if he wilfully damages his vessel or commits criminal misappropriation or breach of trust in respect of, or wilfully damages any of, her stores or cargo.

(*2*) The prosecution against any seafarer for any offence specified under clauses (*d*), (*e*) and (*f*) of sub-section (*1*) may be instituted by the Director-General or an officer authorised by him.

(*3*) The Director-General may, by order, suspend or cancel any certificate granted under this Act to any seafarer for any specified period, for any offence specified in sub-section (*1*) during the course of the hearing or legal proceeding:

Provided that no order of suspension or cancellation shall be passed unless the person concerned has been given an opportunity of being heard.

Smuggling of goods by seafarer.

100. (*1*) If a seafarer engaged is convicted of an offence of smuggling any goods, whereby loss or damage is occasioned to the master or ship owner, he shall be liable to pay to that master or ship owner, a sum sufficient to reimburse the loss or damage and the whole or a part of his wages may be retained in satisfaction on account of that liability without prejudice to any other remedy.

(*2*) If a seafarer is convicted of an offence under sub-section (*1*), the Director-General may direct that the seafarer's continuous discharge certificate and seafarer's identity document shall be cancelled or suspended for such period as may be specified in the direction.

Entry of offences in official logbook.

101. If any offence of desertion or absence without leave under section 98 or offence against discipline under section 99 is committed, or if any act of misconduct is committed for which the offender's agreement imposes a fine and it is intended to enforce the fine,—

(*a*) an entry of the offence or act shall be made in the official logbook and signed by the master and the officer on watch;

(*b*) the offender, if still in the vessel, shall, before the subsequent arrival of the vessel at any port, or, if she is at the time in port, before her departure therefrom, be furnished with a copy of the entry and have the same read over distinctly and audibly to him and may thereupon make such reply thereto as he thinks fit;

(*c*) a statement of a copy of the entry having been so furnished and the entry having been so read over and the reply, if any, made by the offender shall likewise be entered and signed in the manner aforesaid; and

(*d*) in any subsequent legal proceedings, the entries required by this section shall, if practicable, be produced or proved, and, in default of such production or proof, the court hearing the case may in its discretion, refuse to receive evidence of the offence or act of misconduct.

Report of desertions and absences without leave.

102. Whenever any seafarer engaged outside India on an Indian vessel deserts or otherwise absents himself in India without leave, the master of the vessel shall, within forty-eight hours of discovering such desertion or absence, report the same to the shipping master or to such other officer as the Central Government specifies in this behalf, unless in the meantime, the deserter or absentee returns.

Entries and certificates of desertion abroad.

103. (*1*) In every case of desertion from an Indian vessel whilst such vessel is at any place out of India, the master shall produce the entry of desertion in the official logbook to the Indian ambassador at the place, who shall thereupon make and certify a copy of the entry which shall be admissible in evidence in any legal proceeding relating to such desertion.

(*2*) The master shall forthwith transmit such copy of entry certified under sub-section (*1*) to the shipping master at the port at which the seafarer was shipped, and the shipping master shall, if required, cause the same to be produced in any legal proceeding.

Facilities for proving desertion in proceedings for forfeiture of wages.

104. (*1*) Whenever a question arises whether the wages of any seafarer are forfeited for desertion from a vessel, it shall be sufficient for the person insisting on the forfeiture to show that the seafarer was duly engaged in or belonged to the vessel, and either that he left the vessel before the completion of the voyage or engagement or, if the voyage was to terminate in India and the vessel has not returned, that he is absent from her and that an entry of his desertion has been duly made in the official logbook.

(*2*) The desertion shall thereupon, so far as relate to any forfeiture of wages under this Part, be deemed to be proved, unless the seafarer produces a proper certificate of discharge or otherwise show to the satisfaction of the court that he had sufficient reasons for leaving his vessel.

Application of forfeitures.

105. Where any wages or other property are under this Act forfeited for desertion from a vessel, they shall be applied towards reimbursing the expenses caused by such desertion to the master or the ship owner or his agent, which may be recovered by the master, or the ship owner or his agent in the same manner as the deserter could have recovered them if not forfeited, and subject to that reimbursement, shall be paid to the Central Government.

Decision of questions of forfeiture and deduction in suits for wages.

106. Any question concerning the forfeiture of or deductions from the wages of a seafarer may be determined in any proceeding lawfully instituted with respect to those wages, notwithstanding that the offence in respect of which the question arises, though by this Act made punishable by imprisonment as well as forfeiture has not been made the subject of any criminal proceeding.

Payment of fines imposed under agreement to shipping master.

107. (*1*) Every fine imposed on a seafarer for any act of misconduct under his agreement shall be deducted and paid as follows, namely:—

(*a*) if the offender is discharged at any port or place in India and the offence and such entries in respect thereof are proved to the satisfaction of the shipping master, the master or ship owner or his agent shall deduct such fine from the wages of the offender and pay the same to such shipping master; and

(*b*) if the seafarer is discharged at any port or place outside India and the offence and such entries are proved to the satisfaction of the Indian

ambassador by whose sanction he is so discharged, the fine shall thereupon be deducted, and an entry of such deduction shall then be made in the official logbook, if any, and signed by such officer and on the return of the vessel to India, the master or ship owner shall pay such fine to the shipping master.

(*2*) An act of misconduct for which any such fine was imposed and paid shall not be otherwise punishable under this Act.

(*3*) The proceeds of all fines received by a shipping master under this section shall be utilised for the welfare of seafarers in such manner as the Central Government may direct.

Seafarer not to be enticed to desert.

108. No person shall,—

(*a*) by any means whatever persuade or attempt to persuade a seafarer to neglect or refuse to join or proceed to sea in or desert from his vessel, or otherwise to absent himself from his duty;

(*b*) harbour or secrete a seafarer who has wilfully neglected or refused to join or has deserted from his vessel, knowing or having reason to believe the seafarer to have so done:

Provided that the provisions of this clause shall not extend to the case in which the harbour or secreting is by the spouse of the seafarer.

Stowaways and seafarers carried under compulsion.

109. No person shall secrete himself and go to sea in a vessel without the consent of either the master or the ship owner or his agent or of the person in charge of the vessel or of any other person entitled to give that consent.

On change of master, documents to be handed over to successor.

110. (*1*) If, during the progress of a voyage the master of any Indian vessel is removed or superseded or for any other reason quits the vessel and is succeeded in the command by some other person, he shall deliver to his successor documents relating to navigation of the vessel and the seafarers thereof which are in his custody.

(*2*) On receipt of documents under sub-section (*1*), the successor shall make an entry in the official logbook to that effect which shall also be endorsed by the predecessor.

(*3*) The Director-General may suspend or withdraw the certificate of competency of a master, if it is established that the documents were not lawfully handed over in accordance with sub-section (*1*), without leave or sufficient reason:

Provided that no order for suspension or withdrawal of any certificate shall be passed unless the master has been given a reasonable opportunity of being heard.

Deserters from foreign vessels.

111. (*1*) Where it appears to the Central Government that due facilities are or shall be given by the Government of any State outside India for recovering and apprehending seafarers who desert from Indian vessels in that State, the Central Government may, by notification, stating that such facilities are or shall be given, declare that this section shall apply to seafarers belonging to vessels of such State, subject to such limitations or conditions as may be specified in the notification.

(*2*) Where this section applies to seafarers belonging to vessels of any State other than India and a seafarer deserts from any such vessel, when within India, any court that would have taken cognizance of the matter if the seafarer had deserted from an Indian vessel shall, on an application of the ambassador of that State, aid in apprehending the deserter and for that purpose may, on information given on oath, issue a warrant for his apprehension and on proof of the desertion, order him to be conveyed onboard his vessel or delivered to the master or the ship

owner or his agent to be so conveyed and any such warrant or order may be executed accordingly.

Official logbook.

112. (*1*) Every vessel of two hundred tons gross or more shall maintain an official logbook in such form and such manner as may be prescribed.

(*2*) The master, ship owner or his agent shall deliver the official logbook referred to in sub-section (*1*), to the shipping master as and when required by the shipping master.

(*3*) No person shall make or procure to be made or assist in making any entry in official logbook in respect of any occurrence happening previously to the arrival of the vessel at her final port of discharge more than twenty-four hours after such arrival.

Power to make rules.

113. (*1*) In addition to the power of the Central Government to make rules for enforcement of Maritime Labour Convention, the Central Government shall make rules generally to carry out the provisions of this Part, including rules in respect of the following matters, namely:—

(*a*) discharge of seafarers;

(*b*) payment of wages;

(*c*) advance and allotment of wages;

(*d*) rights of seafarers in respect of wages;

(*e*) mode of recovering wages;

(*f*) disputes between seafarers and employers;

(*g*) property of deceased seafarers;

(*h*) repatriation of seafarers and abandoned seafarers;

(*i*) provisions, health and accommodation;

(*j*) special provisions for the protection of seafarers in respect of litigation;

(*k*) provisions for the protection of seafarers in respect of other matters;

(*l*) provisions as to discipline;

(*m*) official logbooks.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the categories and minimum manning scales of seafarers and the scales for different classes of vessels under sub-section (*2*) of section 56;

(*b*) the conditions subject to which vessel shall be in possession of a certificate under sub-section (*2*) of section 57;

(*c*) the form and manner of the grant of continuous discharge certificate and seafarer's identity documents under clause (*c*) of sub-section (*1*) of section 58;

(*d*) the conditions subject to which licence may be granted under clause (*a*) of sub-section (*2*) of section 58;

(*e*) the form of certificate to be possessed by seafarer and the authority who grants that certificate to the effect that the seafarer is medically fit under section 60;

(*f*) the authority to whom and the form and manner in which the incident is to be reported under clause (*e*) of sub-section (*6*) of section 62;

(*g*) the authority to whom and the form, manner and the time within which the reports is to be submitted under clause (*f*) of sub-section (*6*) of section 62;

(*h*) other responsibilities of the recruitment and placement agency under clause (*g*) of sub-section (*6*) of section 62;

(*i*) the form and manner of seafarer's employment agreement under sub-section (*1*) of section 63;

(*j*) the rate of interest on the wages payable to a seafarer under sub-section (*2*) of section 64;

(*k*) the hours of rest provided to every seafarer under section 65;

(*l*) the conditions subject to which seafarers are given annual paid leave under section 66;

(*m*) the circumstances and conditions for repatriation of seafarers under sub-section (*1*) of section 67;

(*n*) the financial security and manner of repatriation of seafarers under sub-section (*2*) of section 67;

(*o*) the indemnity amount to be paid to the seafarer under section 68;

(*p*) the number of seafarers to be employed onboard the vessel under section 69;

(*q*) the accommodations and recreational facilities for seafarers under section 70;

(*r*) the measures for providing protection of health and medical care to seafarers under section 72;

(*s*) the branches of social security protection to seafarers under section 75;

(*t*) the terms and conditions and the period during which a seafarer shall not be entitled to wages under sub-section (*1*) of section 79;

(*u*) the exceptions where a seafarer shall not be disentitled to claim wages under sub-section (*2*) of section 79;

(*v*) the manner of discharge from service of seafarer under sub-section (*1*) of section 80;

(*w*) the manner of discharge of property under section 81;

(*x*) the manner and the restrictions and conditions for utilisation of any unclaimed amount deposited with or recovered by shipping master for the welfare of seafarers under section 82;

(*y*) the qualifications and experience of persons appointed to the Tribunal under sub-section (*1*) and any other matter under clause (*e*) of sub-section (*4*) of section 89;

(*z*) the period within which the Tribunal shall submit its award to the Central Government under sub-section (*7*) of section 89;

(*za*) the extent and the conditions subject to which a seafarer shall be maintained or sent to a proper return port, under sub-section (*2*) of section 91;

(*zb*) the manner of possession of certificate and the form of such certificate under sub-section (*3*) of section 93;

(*zc*) the terms, conditions and manner of protecting a seafarer who is a party to litigation under sub-section (*2*) of section 94;

(*zd*) the form and manner of keeping logbook under sub-section (*1*) of section 112;

(*ze*) any other matter which is required to be or may be prescribed.

PART VI

SAFETY AND SECURITY

Application of this Part.

114. This Part, unless otherwise exempted, shall apply in relation to matters on safety and security, to—

(*a*) Indian vessel and other vessels registered in India under this Act, except vessels covered under Part XIII;

(*b*) vessel other than Indian vessel when such vessel is within India, including coastal waters;

(*c*) port facility; and

(*d*) company.

Definitions.

115. In this part, unless the context otherwise requires,—

(*a*) "company" means the owner of the vessel or any other organisation or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the vessel from the owner of the vessel and who on assuming such responsibility has agreed to take over all the duties and responsibilities imposed by the International Safety Management Code under the Safety Convention;

(*b*) the words and expressions used in this Part but not defined, shall have the meanings respectively assigned to them in the international conventions or agreements or treaties, including their protocols, referred to in section 116.

Safety and security requirements.

116. (*1*) Every vessel shall, subject to such conditions as may be prescribed, comply with the provisions of the following international conventions, treaties or agreements, as applicable, namely:—

(*a*) the Safety Convention;

(*b*) the Load Lines Convention, 1966;

(*c*) the Special Trade Passenger Ships Agreement, 1971;

(*d*) the Convention on the International Regulations for Preventing Collisions at Sea, 1972;

(*e*) the International Convention on Maritime Search and Rescue, 1979;

(*f*) the Tonnage Measurement Convention, 1969;

(*g*) the International Convention for Safe Containers, 1972;

(*h*) such other convention or agreement or treaty relating to safety or security to which India is a party, as may be notified by the Central Government:

Provided that vessels to which the provisions of the above conventions, treaties or agreements are not applicable, shall comply with such safety and security requirements as may be prescribed:

Provided further that it shall be a defense for the master or ship owner to prove that a contravention was solely due to deviation or delay caused by stress of weather or other circumstances which neither the master nor the ship owner nor the charterer, if any, could have prevented or forestalled.

(*2*) The safety and security requirements for different classes of vessels and certificates to be held by such vessels shall be such as may be prescribed.

Reporting of incidents.

117. (*1*) When an incident relating to the safety and security takes place on a vessel, the master of the vessel shall report the particulars of the incident to such authority and in such manner as may be prescribed.

(*2*) When an incident takes place relating to the loss or likely loss overboard of dangerous goods in packaged form into the sea, or dangerous goods in solid form in bulk into the sea, or any incident impeding safe navigation, the master of every vessel shall report the particulars of the incident to such authority in such manner as may be prescribed.

(*3*) If the vessel referred to in sub-section (*1*) or sub-section (*2*) is abandoned, or a report from such vessel is incomplete, the Central Government shall fix the responsibility on the master of the vessel.

Obligations to render assistance on receiving signal of distress and to persons in danger.

118. (*1*) The master of an Indian vessel, on receiving at sea a signal of distress or information from any source that a vessel or aircraft is in distress shall proceed with all speed to the assistance of the persons in distress informing them, if possible, that he is doing so unless he is unable or in the special circumstances of the case considers it unreasonable or unnecessary to do so or unless he is released from such obligation under the provisions of sub-section (*3*).

(*2*) Where the master of any vessel in distress has requisitioned any Indian vessel that has answered his call, it shall be the duty of the master of the requisitioned vessel to comply with the requisition by continuing to proceed with all speed to the assistance of the persons in distress unless he is released from the obligation under sub-section (*4*).

(*3*) The master shall be released from the obligation imposed by sub-section (*1*) as soon as he is informed of the requisition of one or more vessels other than his own and that the requisition is being complied with by the vessel or vessels requisitioned.

(*4*) The master whose ship has been requisitioned under sub-section (*2*) shall be released from the obligation imposed by that sub-section, on being informed by the persons in distress or by the master of any vessel which has reached the person in distress, that assistance is no longer required.

(*5*) If the master of an Indian vessel, on receiving at sea a signal of distress referred to in sub-section (*1*), is unable or in the special circumstances of the case considers it unreasonable or unnecessary to go to the assistance of the persons in distress, he shall forthwith cause a statement to be entered in the official logbook or if there is no official logbook, cause other record to be kept of his reasons for not going to the assistance of those persons.

(*6*) The master of every Indian vessel for which an official logbook is required, shall enter or cause to be entered in the official logbook every signal of distress or message that a vessel, aircraft or person is in distress at sea.

(*7*) The master of every Indian vessel shall render assistance to every person found at sea in danger of being lost, unless he is unable to or, in the special circumstance of the case, considers that such assistance cannot be rendered without serious danger to his vessel, or the persons thereon.

(*8*) If the master of an Indian vessel is unable or consider it unreasonable to go to the assistance of a person found at sea in danger of being lost, the master shall forthwith cause a statement to be entered in the official logbook or, if there is no official logbook, cause other record to be kept of his reasons for not going to the assistance of that person.

(*9*) The master of the vessel shall take all reasonable measures to report the particulars of any incident relating to safety and security which takes place in the vicinity of the vessel to such authority in such manner as may be prescribed.

Search and rescue services.

119. The Central Government shall, whenever necessary, make arrangements for search and rescue services for dealing with distress situation at sea, including coastal waters or such territory under the International Convention on Maritime Search and Rescue, 1979 and agreement related thereto or any other law for the time being in force.

Radio communication requirements.

120. Every Indian vessel shall be equipped and maintained with such communication equipment, distress and safety equipment and shall be provided with such certified operators as may be prescribed.

Information about vessel's stability.

121. (*1*) Every Indian vessel shall carry onboard such information relating to the stability of the vessel and the effects of any damage control and general precautions necessary to maintain watertight integrity of the vessels and provisions for damage control duly approved, in compliance with the provisions of the Safety Convention and the Load Line Convention or the safety and security requirements in accordance with the provisions of this Part.

(*2*) The chief ship surveyor shall assign load line, in compliance with the Load Line Convention and approve such information relating to stability of passenger ships as may be prescribed:

Provided that the Director-General may, by order, authorise any other surveyor to perform the duties of the chief ship surveyor under this section on such terms and conditions as may be specified therein.

Submersion of load lines.

122. (*1*) No vessel, other than a vessel exempted from the provisions of this Part relating to load lines, shall be so loaded as to submerge when the vessel has no list of the appropriate load line on each side of the vessel, that is to say, the load line indicating or purporting to indicate the maximum depth to which the vessel is for the time being entitled under the load line rules, to be loaded.

(*2*) Without prejudice to any other proceedings under this Act, any vessel which is loaded in contravention of this section may be detained until such vessel ceases to be so loaded.

No vessel to carry passenger without certificate.

123. (*1*) No vessel shall carry passengers between ports or places in India or from any port or place in India to any port or place outside India, or from any port or place outside India to any port or place in India, unless such vessel has all valid certificates required under this part.

(*2*) The Central Government may, by general or special order, specify the conditions relating to,—

(*a*) passenger accommodation;

(*b*) scale of passenger and amenities to be provided to seafarers;

(*c*) space or disallowance of any space on a vessel;

(*d*) scale of provisions and water to be provided;

(*e*) hospital accommodation and medical facilities;

(*f*) the conditions for carriage of cargo and livestock; and

(*g*) any other matter, to carry out the purposes of this Part.

(*3*) Subject to the conditions specified in sub-section (*2*), the master of a passenger vessel departing or proceeding on a voyage shall make a statement about the passengers onboard the vessel in such form as may be specified by the Central Government in this behalf.

Vessel not to proceed to sea without valid safety and security certificates.

124. No vessel shall proceed to sea unless such vessel is in possession of valid certificates referred to in sub-section (*2*) of section 116.

Penalties for certain acts.

125. (*1*) A person shall be liable to penalty under this Act if he commits any of the following acts, namely:—

(*a*) being drunk or disorderly attempts to enter a vessel; or

(*b*) onboard molest any person; or

(*c*) travels or attempts to travel without payment of fare; or

(*d*) wilfully refuses or neglects to quit the vessel on arrival at destination; or

(*e*) fails to exhibit his ticket when requested by the master or other officer; or

(*f*) misconducts himself in such a manner as to cause annoyance or injury to persons onboard; or

(*g*) carries any substance that could jeopardise the safety or security of the vessel, life onboard or the environment in general.

(*2*) The master may refuse to receive onboard any person referred to in sub-section (*1*) and if such person is onboard, may put him on shore, and the person so refused admittance or put on shore shall not be entitled to return of any fare he has paid.

(*3*) The master or other officer of any such vessel and all persons called by him or other officer to his assistance, may detain any person who commits any offence under sub-section (*1*) and convey the offender with all convenient dispatch before the nearest police station to be dealt with in accordance with the law.

Vessel not to carry cargo or passengers in contravention of Act.

126. (*1*) No vessel shall carry or attempt to carry cargo without the required certificate in contravention of this Part or shall have onboard or in any part thereof a cargo which is not in accordance with the certificate held by the vessel.

(*2*) No vessel shall carry or attempt to carry passengers without the required certificate under this Part or shall have onboard or in any part thereof a number of passengers which is greater than the number set forth in the certificate held by the vessel.

(*3*) The master of any vessel which carries or attempts to carry cargo or passengers in contravention of this section shall be liable to have his certificate of competency cancelled or suspended for such a period as the Central Government may, by order, specify in this behalf.

Unseaworthy vessel not to be sent to sea.

127. (*1*) Every person who sends or attempts to send a vessel to sea which is unseaworthy, unless he proves that her going to sea in such unseaworthy state was under the circumstances reasonable and justifiable, shall be liable to penalty under this sub-section.

(*2*) Every master of a vessel who knowingly takes or attempts to take a vessel to sea which is unseaworthy, unless he proves that her going to sea in such unseaworthy state was under the circumstances, reasonable and justifiable, shall be liable to penalty under this sub-section.

(*3*) For the purpose of giving proof under sub-sections (*1*) and (*2*), every person charged under this section may give evidence in the same manner as any other witness.

Obligation of ship owner, master or agent with respect to seaworthiness.

128. (*1*) In every contract of service, express or implied, between the owner of a vessel and the master or any seafarer thereof, there shall be implied, irrespective of any agreement to the contrary, an obligation on the ship owner that such ship owner and the master and every agent charged with the loading of such vessel or the preparing thereof for sea or the sending thereof to sea, shall use all reasonable means to ensure the seaworthiness of such vessel for the voyage at the time when such voyage commences and to keep her in a seaworthy state during the voyage.

(*2*) For the purpose of verifying compliance of the provisions of this section, the Central Government may, either at the request of the ship owner or otherwise, arrange for a survey of the hull, equipment or machinery of any sea-going vessel by a surveyor or any person so authorised.

Safety and security management.

129. (*1*) Every vessel, company or port facility shall comply with such safety and security management requirements as may be prescribed.

(*2*) The Central Government or a person authorised by it shall arrange for the audit of the vessel, company or port facility for the purpose of sub-section (*1*).

(*3*) The Central Government or a person authorised by it may set different levels of security and provide such information thereof, to all the port facilities and all vessels entering into any port facility.

Power to make rules.

130. (*1*) The Central Government may make rules to carry out the provisions of this Part.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the conditions subject to which the vessel shall comply with the conventions, treaties or agreements to which India is a party and the safety and security requirements to be complied by the vessels to which the said conventions, treaties or agreements are not applicable, under sub-section (*1*) of section 116;

(*b*) the safety and security requirements for different classes of vessels and the certificates to be held by such vessels under sub-section (*2*) of section 116;

(*c*) the manner of reporting the particulars of incidents and the authority to whom such particulars shall be reported under sub-section (*1*) and sub-section (*2*) of section 117;

(*d*) the manner of reporting the particulars of incidents and the authority to whom such particulars shall be reported under sub-section (*9*) of section 118;

(*e*) the communication equipment, distress and safety equipment and the certified operators to be provided to every Indian vessel under section 120;

(*f*) the information relating to the stability of passenger ship to be approved under sub-section (*2*) of section 121;

(*g*) the safety and security management requirements to be complied by the vessel, company or port facility under sub-section (*1*) of section 129;

(*h*) any other matter which is required to be or may be prescribed.

PART VII

PREVENTION AND CONTAINMENT OF POLLUTION FROM VESSEL AND RESPONSE

Application of this Part.

131. Save as otherwise provided, this Part shall apply to,—

(*a*) Indian vessel and every other vessel registered in India;

(*b*) vessel other than an Indian vessel;

(*c*) vessel not entitled to fly the flag of India but which operate under the authority of India;

(*d*) vessel that enters a port, shipyard or offshore terminal or place in India or within the coastal waters;

(*e*) any incident of marine casualty or any act relating to such casualty occurring with grave and imminent danger to Indian coastline or coastal waters or related interests or posing a threat to the marine environment or to the coastline or related interest, from pollution or threat of pollution in the sea or air either by deliberate, negligent or accidental release of oil, ballast water, noxious liquid substance, garbage, sewage, waste, harmful anti-fouling substances, harmful emissions or any other harmful substance including such incidents occurring on the high seas.

Explanation.—For the purposes of clauses (*d*) and (*e*), "coastal waters" shall mean and include any part of the territorial waters of India, along with any part of the adjoining maritime zones of India or any marine area adjacent thereto over which India has, or, may hereafter have, exclusive jurisdiction in regard to control of marine pollution under the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976, or any other law for the time being in force;

80 of 1976.

(*f*) port for the purpose of providing reception facilities:

Provided that this Part shall not apply to any warship, naval auxiliary or other vessel owned or operated by the Central Government or the State Governments and used for the time being only on Government non-commercial service unless otherwise specified by the Central Government by notification:

Provided further that the Director-General may provide equivalence to, or grant exemption from, the provisions of this Part or the rules made thereunder, to any vessel or person, in such manner as may be prescribed.

Definitions.

132. In this Part, unless the context otherwise requires,—

(*a*) "harmful substance" means any substance or form of energy, which, if introduced into the sea or air, is liable to create hazards to human health, harm living resources and marine life, damage amenities or interfere with other legitimate uses of the sea or air and includes any substance subject to control by any of the conventions to which India is a party or such other substance as may be prescribed by the Central Government;

(*b*) "dumping" means any—

(*i*) deliberate disposal of waste water or other matter from vessels, ports, platform or other man-made structures at sea; or

(*ii*) deliberate disposal of vessels, structures of ports, platform or other man-made structures at sea,

but does not include—

(*i*) the disposal of wastes or other matter incidental to, or derived from normal operations of vessels, platforms or other man-made structure at sea and their equipment, other than wastes or other matter transported by or to vessels, platforms or other man-made structures at sea, operating for the

purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, platform or structure; or

(*ii*) the placement of matter for a purpose other than the mere disposal thereof:

Provided that such placement is not contrary to the aims of the London Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972;

(*c*) "port" shall include port facility, shipyard, ship breaking yards, ship repair unit, offshore facilities and terminals;

(*d*) "vessel" means a vessel of any type, whatsoever, operating in the marine or aquatic environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft, floating platforms, floating storage units and floating production storage and off-loading units but does not include fixed platforms or other fixed man-made structures at sea for the purposes of dumping.

Control of discharge or emission of harmful substances or dumping at sea.

133. (*1*) Save as otherwise provided, all vessels shall be under an obligation to prevent discharge or emission of harmful substances or mixtures containing harmful substances.

(*2*) All Indian vessels shall be fitted with such equipment and comply with such requirements and conditions relating to construction, survey of equipment and structure of vessel, as may be prescribed.

(*3*) No certificate shall be granted under this Part unless the requirements and conditions of this section are complied with.

(*4*) The Central Government may designate such specific areas requiring more stringent standards for pollution prevention as may be prescribed.

(*5*) The Central Government may, either at the request of the ship owner or otherwise, arrange for the survey of the hull, equipment or machinery of any vessel by a surveyor and, if found fit, shall grant certificates in accordance with the provisions of this Act and rules made thereunder in such form, for such duration and subject to such conditions as may be prescribed.

(*6*) The Central Government may take measures, as it may consider appropriate, to prevent the pollution of the sea by the dumping of waste and other matter that is liable to create hazards to human health, harm living resources and marine life, damage amenities or interfere with other legitimate use of the sea.

(*7*) The Central Government may, by notification, specify the items permitted for dumping in the coastal waters and may prescribe the manner in which permissions for the dumping of such items may be obtained.

(*8*) Unless expressly permitted, no vessel, port, platform or other man-made structures at sea shall engage in dumping in the coastal waters.

Prevention and containment of pollution and response.

134. (*1*) Every vessel shall, subject to such conditions as may be prescribed, comply with the provisions of the following international conventions, as applicable, namely:—

(*a*) the MARPOL Convention;

(*b*) the Anti-Fouling Systems Convention;

(*c*) the Ballast Water Management Convention;

(*d*) International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969;

(*e*) any other pollution prevention convention or agreement or treaty to which India is a party, as may be prescribed:

Provided that vessel to which the provisions of the above conventions are not applicable shall comply with such pollution prevention requirements as may be prescribed.

(*2*) A vessel shall possess such different types of certificates and documents depending on the type, size, nature and area of operation of the vessel as may be prescribed.

Vessel not to proceed to sea without valid pollution prevention certificates.

135. (*1*) No vessel shall proceed to sea unless such vessel is in possession of valid certificates required under the convention or agreement or treaty referred to in section 134.

(*2*) A vessel shall carry a valid certificate onboard and shall be subject to inspection while at a port in India by the surveyor or an authorised person in such manner as may be prescribed:

Provided that nothing in this sub-section shall be construed as limiting the powers of any officer under any other law for the time being in force from boarding and inspecting the vessel or its equipment.

(*3*) If the inspection under this section reveals that a vessel does not have a valid certificate onboard or whose condition or equipment's condition does not meet the particulars of the certificate onboard, the vessel may be detained by order by a proper officer until proceedings are concluded under this section or in the opinion of the Central Government, the vessel can proceed to sea without presenting an unreasonable threat or harm to safety of life at sea, marine environment or the public health and welfare.

(*4*) Notwithstanding any proceedings initiated against the owner or master of the vessel under this section, the Central Government may initiate further action against such persons, if it determines that the incident of pollution continues to cause harm or damage after the conclusion of the proceedings, or results in harm or damages not discovered at the time of the initiation of the proceedings.

Record books.

136. Every Indian vessel shall maintain such books of record in such form and manner and the nature of entries to be made in the books of record, the custody and disposal thereof, and all other matters relating thereto, shall be such as may be prescribed.

Power to deny entry, detain or move vessel.

137. (*1*) Where the Central Government has reasonable grounds to suspect that a vessel which proposes to enter a port in India does not comply with the requirements of this Part, it may direct the port to deny entry to such vessel.

(*2*) Where the Central Government has reasonable grounds to suspect that a vessel does not comply with the requirements of this Part and poses a threat of harm to the coast or coastal waters or has caused such harm, it may direct any proper officer to detain the vessel or have the vessel moved to such place and for such period as it may deem fit.

(*3*) Where any vessel detained under this section proceeds to sea before being released, the master of the vessel, ship owner or any person who sends the vessel to sea, shall be liable to penalty under this Act.

Power to take measures for containment of pollution and reporting of incidents.

138. (*1*) Where an incident in which the cargo or harmful substances escape or is likely to escape from a vessel causes or threaten to cause pollution of air, marine environment or any part of coasts or coastal waters, the master of every vessel shall report the particulars of such incident to such authority in such manner as may be prescribed.

(*2*) The Central Government shall, upon receiving information regarding any incident of pollution under sub-section (*1*), immediately take notice of such incident and may direct the owner, agent, master, charterer, operator, lessee or licensee of the vessel by notice served on him, to take the following actions, namely:—

(*a*) to prevent the escape of such harmful substances from the vessel, as may be specified in such notice;

(*b*) to remove the cargo or oil or noxious liquid substance or harmful substance from the vessel in such manner and to such place, as may be specified in the notice;

(*c*) to remove the vessel to a place, as may be specified in the notice;

(*d*) to remove the cargo or oil or noxious liquid substance or harmful substance slicks on the surface of the sea in such manner as may be specified in the notice;

(*e*) to prohibit the removal of the vessel including any cargo or stores therein, from a place specified in the notice; and

(*f*) any other action as may be considered necessary to prevent such damage.

(*3*) If a vessel referred to in sub-section (*1*) is abandoned or a report from such vessel is incomplete, the Central Government shall fix the responsibility of the incident on the master or owner of that vessel.

(*4*) Where the release of harmful substances has caused or is likely to present a grave and imminent danger to the coast or coastal waters, the Central Government may proceed to take such measures as may be deemed necessary to prevent, mitigate or eliminate such threat or danger.

(*5*) Where any person fails to comply with any notice served on him under sub-section (*2*), the Central Government may, whether or not such person is convicted of an offence under this Part by reason of his having so failed to comply, cause such action to be taken as it may deem necessary for,—

(*a*) carrying out the directives given in the notice issued under sub-section (*2*);

(*b*) containing the pollution caused or preventing the pollution threatened to be caused, to any part of the coast or coastal waters by any harmful substance having escaped or threatening to escape from the vessel.

(*6*) Subject to the provisions of this Part, any expenditure or liability incurred by the Central Government in, or by reason of, the exercise of powers under sub-section (*5*) in relation to any vessel in respect of which a notice had been issued under this section, shall be a debt due to the Central Government and may be recovered from the person or persons on whom the notice was served or from all or any of those persons, and shall be a charge upon all or any vessel owned by that person or persons which may be detained by the Central Government until the amount is paid:

Provided that where the amount due to the Central Government is not paid within reasonable time, the Central Government may cause all or any vessel owned by such person or any part thereof to be sold, for the purpose of recovery of such an amount with applicable interest.

(*7*) The Central Government shall have the power to take such measures as may be deemed necessary to prevent, mitigate or eliminate grave and imminent danger to the coastline or related interests from pollution or threat of pollution following any incident on the high seas which may reasonably be expected to result in major harmful consequences to the coastline or coastal waters.

(*8*) The Central Government may make national or regional arrangement system for responding promptly and effectively to pollution incidents occurring within the coastal waters.

Power of Central Government to give directions.

139. (*1*) For the purposes of taking any measures under section 138, the Central Government or any other officer authorised by it in this behalf, may, by an order in writing, direct the owner of any Indian vessel or equipment to provide such services or assistance as may be specified in that order.

(*2*) The owner of any vessel or equipment with respect to which an order is made under sub-section (*1*), shall be entitled to tariff rates of freight and charter hire, at reasonable rates having regard to current market conditions:

Provided that where tariff rates of freight are not fixed or where there is any dispute about reasonable rate of charter hire, the freight or charter hire, shall be paid at such rates as may be fixed by the Central Government by an order in writing, subject to determination of reasonability of such rates of freight or charter hire by examining such witnesses, documents and accounts as it may deem necessary.

(*3*) The Director-General may,—

(*a*) requisition the services of any officer of the Central Government or other officers or any police officer;

(*b*) requisition the resources and pollution prevention equipment available with any of the offices of the Central Government or other offices or organisations,

for the purposes of this Part and it shall be the duty of every such officer or office or organisation to render assistance.

Measures for detection of pollution.

140. The Central Government shall prescribe such measures as it may deem appropriate and practical, for the monitoring, detection and control of pollution under this Part.

Appointment of analysts.

141. The Central Government may appoint such persons as analysts for the purposes of incidents of pollution under this Part and specify the scope of powers to be exercised by an analyst in this regard.

Reception facilities.

142. (*1*) Every port shall provide such reception facilities and surveillance, supervision and guidance thereof as may be prescribed, taking into account the pollution prevention conventions specified in section 134.

(*2*) The Central Government may give directions to the ports to take appropriate measures to ensure that wastes or residue generated during operation, repair and re-cycling of vessel are collected, handled, treated and disposed of in a safe and environmentally sound manner to protect human health and the environment.

(*3*) A port authority providing reception facilities or a person providing such facilities by arrangement with the port authority may impose charges for the use of the facilities at such rates and impose such conditions in respect of the use thereof as may be notified by the Central Government in respect of the port.

(*4*) Where the Central Government is satisfied that there are no reception facilities at any port or that the facilities available at such port or place are not adequate for enabling vessels calling at such port or place to comply with the requirements of the pollution prevention conventions, the Central Government may direct, by order in writing, such authority to provide or arrange for the provision of such reception facilities, as may be specified in the order.

(*5*) Any port that fails to comply with the directions under sub-section (*4*) shall be liable to penalty under this Act.

Power to make rules.

143. (*1*) The Central Government may make rules to carry out the provisions of this Part.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the manner of providing equivalence or granting exemption to any vessel or person under the second proviso to section 131;

(*b*) other substances which fall within the definition of "harmful substances" in clause (*a*) of section 132;

(*c*) the equipment and requirements and conditions relating to construction, survey of equipment and structure of vessel under sub-section (*2*) of section 133;

(*d*) the pollution prevention standards and requirements for designated areas under sub-section (*4*) of section 133;

(*e*) the form, duration and conditions subject to which a certificate may be granted under sub-section (*5*) of section 133;

(*f*) the manner of obtaining permission for dumping in coastal waters under sub-section (*7*) of section 133;

(*g*) the conditions subject to which the vessel shall comply with the conventions, agreements or treaties specified in sub-section (*1*) of section 134 including any other pollution prevention convention or agreement or treaty to which India is a party and the pollution prevention requirements to be complied with by the vessels on whom such conventions, agreements or treaties do not apply;

(*h*) the types of certificates and documents under sub-section (*2*) of section 134;

(*i*) the manner of inspection of certificates by a surveyor under sub-section (*2*) of section 135;

(*j*) the form and manner of maintenance of record book and the nature of entries to be made in the books of record, the custody and disposal thereof, and other matters relating to maintenance of record book under section 136;

(*k*) the particulars of the incident, the authority and the manner of reporting incident under sub-section (*1*) of section 138;

(*l*) the measures to be taken by the Central Government for the monitoring, detection and control of pollution under section 140;

(*m*) the reception facilities, surveillance, supervision and guidance under sub-section (*1*) of section 142;

(*n*) any other matter which is required to be or may be prescribed.

PART VIII

SURVEY, AUDIT AND CERTIFICATION

Survey, audit and certification.

144. (*1*) Every Indian vessel, company or port shall unless otherwise exempted by the Central Government, be surveyed or audited or certified for verification of compliance with the conventions specified in section 147 and such requirements for different classes of vessels, company or port, as may be prescribed.

Explanation.—In this Part, unless the context otherwise requires, "company" shall have the same meaning as assigned to it in clause (*a*) of section 115.

(*2*) A surveyor or any person authorised by the Director-General in this behalf may, if satisfied that any vessel, company or port has been surveyed or audited as per the requirements under this Act, grant certificate or documents to such vessel, company or port.

(*3*) Notwithstanding anything contained in this Act, where any survey or audit of a vessel, company or port under this Part is completed, the owner, agent or master of such vessel, company or port shall not make or cause to be made any alteration in the structure, equipment, fittings, arrangements, material, systems or scantlings covered by the survey or audit without the prior permission of the Central Government.

(*4*) If, after grant of certificates or documents under sub-section (*2*), the Central Government or any person authorised by it, has reason to believe that changes have been made to the structure, equipment, fittings, arrangements, material, systems or scantlings, or they have sustained any damage or are otherwise found insufficient, then the Central Government or any person authorised by it in this behalf may require that the vessel, company or port be re-surveyed or audited to such extent, as it may deem fit, or it may modify or revoke or suspend or cancel or surrender the certificates and documents, after giving an opportunity of being heard, in such manner as may be prescribed.

(*5*) No vessel shall proceed to sea unless the owner or master of the vessel holds onboard all the certificates or documents as required under this section.

Certificates.

145. Every vessel, company or port shall, unless exempted under this Part, be in possession of such certificates as may be prescribed.

Power of surveyor.

146. (*1*) Save as otherwise provided, a surveyor may at any reasonable time, go onboard a vessel and may inspect or audit the vessel or any part thereof, the structure, equipment, fittings, arrangements, materials, systems, scantlings, cargo, provisions, stores, her certificates and certificates of the seafarers onboard:

Provided that he shall not unreasonably hinder the operation of the vessel or detain or delay her from proceeding on any voyage.

(*2*) The owner, agent, master or every officer of the vessel shall afford to the surveyor all reasonable facilities for survey and provide all such information in respect of the vessel and her structure, equipment, fittings, arrangements, materials, scantlings, systems, cargo, provisions, stores, her certificates and certificates of the seafarers, as the surveyor may require.

Compliance of provisions of convention.

147. Every vessel, company or port shall be surveyed, audited and certified to confirm compliance with the following conventions as applicable, namely:—

(*a*) the Safety Convention;

(*b*) the MARPOL Convention;

(*c*) the Anti-Fouling Systems Convention;

(*d*) the Ballast Water Management Convention;

(*e*) the Load Lines Conventions;

(*f*) the Tonnage Measurement Convention, 1969;

(*g*) the Special Trade Passenger Ships Agreement, 1971 and its Protocol;

(*h*) the Convention on the International Regulations for Preventing Collisions at Sea, 1972;

(*i*) the International Convention on Maritime Search and Rescue, 1979 (SAR 1979);

(*j*) the Maritime Labour Convention, 2006; or

(*k*) any other convention relating to survey, audit or certification as may be prescribed.

Recognition of certificates granted outside India.

148. A valid certificate granted under a convention in respect of a vessel other than an Indian vessel by the Government of the State to which the vessel belongs, shall subject to such rules as the Central Government may make in this behalf, have the same effect in India as the corresponding certificates granted in respect of an Indian vessel.

Grant of certificate to foreign vessels in India and Indian vessels in foreign States.

149. (*1*) The Central Government may, at the request of the Government of a State to which a convention applies, cause an appropriate convention certificate to be granted in respect of a vessel registered or to be registered in that State, if it is satisfied in like manner as in the case of an Indian vessel that such certificate may be granted and where a certificate is granted at such a request, it shall contain a statement to that effect.

(*2*) The Central Government may request the Government of a State to which a convention applies to grant an appropriate convention certificate in respect of a vessel registered or to be registered in India and a certificate granted in pursuance of such a request shall have effect for the purposes of this Act, as if it had been granted by the Central Government.

Explanation.—For the purposes of this section, "convention certificate" means a certificate granted under the provisions of any convention.

Power to call for information.

150. (*1*) The Central Government, surveyor, or any other person authorised in this behalf, shall have the power to require the master of a vessel to which this Part applies, to give such information as may be required to ensure compliance with the provisions of this Part.

(*2*) The surveyor or any other person empowered under sub-section (*1*), shall have the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:— 5 of 1908.

(*a*) summoning and enforcing the attendance of any person and examining him on oath;

(*b*) requiring discovery and production of any document;

(*c*) receiving evidence on affidavit;

(*d*) any other matter which is required to be or may be prescribed.

(*3*) Any person who refuses or fails to give the information referred to in sub-section (*1*), shall be liable for a penalty under this Act.

Power to conduct inspections.

151. (*1*) The Central Government may, by notification, appoint such persons to conduct inspections of any vessel to which this Part applies, in order to—

(*a*) verify whether the vessel has violated any provisions of this Act or rules made thereunder;

(*b*) comply with the request of a contracting party to any convention, agreement or treaty referred to in section 147, for an investigation as to violation of any provisions of such convention, agreement or treaty, by an Indian vessel;

(*c*) comply with such other matter as may be prescribed.

(*2*) The violation noticed in the inspection conducted under sub-section (*1*) shall be reported to the Central Government in such form and manner as may be prescribed.

(*3*) The Central Government may, upon receipt of the report under sub-section (*2*), take any action or direct the master of the vessel to take such action as may be required.

Power to make rules.

152. (*1*) The Central Government may make rules to carry out the provisions of this Part.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the requirements for different classes of vessels, company or ports for survey, audit and certification under sub-section (*1*) of section 144;

(*b*) the manner of re-survey, audit and certification of vessel, company or port and modification, revocation, suspension, cancellation or surrender of the certificates and documents under sub-section (*4*) of section 144;

(*c*) the certificates to be possessed by a vessel, company or port under section 145;

(*d*) any other convention relating to survey, audit or certification under clause (*k*) of section 147;

(*e*) any other power of the surveyor or other person under clause (*d*) of sub-section (*2*) of section 150;

(*f*) any other matter for compliance of which inspections may be conducted under clause (*c*) of sub-section (*1*) of section 151;

(*g*) the form and manner of report to be made to the Central Government under sub-section (*2*) of section 151;

(*h*) any other matter which is required to be or may be prescribed.

PART IX

MARITIME LIABILITY AND COMPENSATION

CHAPTER I

COLLISION, ACCIDENT AT SEA AND LIABILITY

Application of this Chapter.

153. (*1*) This Chapter shall apply to,—

(*a*) Indian vessels; and

(*b*) any vessel other than an Indian vessel while it is at a port or place in India including the coastal waters.

(*2*) All claims arising out of pollution damage under Chapter III or Chapter IV of this Part shall be adjudicated in accordance with the provisions of those Chapters.

Apportionment of liability.

154. (*1*) Each vessel shall bear its own damage if the collision is accidental or the cause of the collision is not determined.

(*2*) If the collision is caused by the fault of one of the vessels, the liability to make good the damages or loss caused to one or more of those vessels or to their cargo or to any property of the seafarers, passengers or other persons onboard or the liability for loss of life or personal injury, shall be of the vessel which has committed the fault.

(*3*) If the collision is caused by the fault of two or more vessels, the liability of each vessel, to make good the damages or loss caused to one or more of those vessels or to their cargo or to any property of the seafarers, passengers or other persons onboard or the liability for loss of life or personal injury, shall be in proportion to the degree of faults respectively committed by each such vessel:

Provided that if, having regard to all the circumstances of the case, it is not possible to establish different degrees of fault, the liability shall be apportioned equally.

(*4*) For the purposes of this Chapter, for any maritime claim arising out of collision between vessels, the High Court may, in the course of proceedings under this Act, assign all or any of the following duties to any assessors, appointed by the Central Government under the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017, namely:— 22 of 2017.

(*a*) determination of fault, including the degree of fault attributable to each vessel;

(*b*) attend the proceedings and present their written findings before the High Court; and

(*c*) any other duties as may be assigned by the High Court.

Damage or loss of vessel, cargo or property.

155. (*1*) Whenever, by fault of two or more vessels, damage or loss is caused to one or more of them or to the cargo of one or more of them or to any property of the seafarers, passengers or other persons onboard one or more of them, the liability, including liability to third parties, to make good the damage or loss shall be in proportion to the degree in which each vessel was at fault.

(*2*) Nothing in this section shall be construed to render any vessel liable for any loss or damage to which her fault has not contributed.

(*3*) Nothing in this section shall affect the liability of any person under any contract, or shall be construed as imposing any liability upon any person from which he is exempted by any contract or by any provision of law, or as affecting the right of any person to limit his liability in the manner provided by law.

(*4*) For the purposes of this Chapter, references to damage or loss caused by the fault of a vessel shall be construed as including references to any salvage or other expenses consequent upon that fault, recoverable under any law for the time being in force by way of damages.

Joint and several liability for loss of life or personal injury.

156. (*1*) Whenever loss of life or personal injuries are suffered by any person onboard a vessel owing to the fault of that vessel and any other vessel, the liability to third parties, of the owners of the vessels concerned shall be joint and several.

(*2*) Nothing in this section shall be construed as depriving any person of any right of defence on which he might have relied in an action brought against him by the person injured, or any person entitled to sue in respect of such loss of life, or shall affect the right of any person to limit his liability in cases to which this section relates.

Right of contribution.

157. (*1*) Whenever loss of life or personal injuries are suffered by a person onboard a vessel owing to the fault of that vessel and of any other vessel and a proportion of the damages is recovered from the owner of one of the vessels which exceeds the proportion in which she was in fault, the said owner may recover by way of contribution the amount of the excess from the owners of the other vessels to the extent to which those vessels were respectively in fault:

Provided that no amount shall be so recovered which shall not, by reason of any statutory or contractual limitation of, or exemption from, liability or which shall not for any other reason, have been recovered in the first instance as damages by the persons entitled to sue therefor.

(*2*) In addition to any other remedy provided by law for the time being in force, the person entitled to any contribution under sub-section (*1*) shall, for the purpose of recovering the contribution, have subject to the provisions of this Act, the same rights and powers as the persons entitled to sue for damages in the first instance.

Duty of master of vessel to assist in case of collision.

158. (*1*) In every case of collision between two vessels, it shall be the duty of the master or person in-charge of each vessel in and so far as he can do so without danger to his own vessel, seafarers and passengers, if any,—

(*a*) to render to the other vessel, her master, seafarers and passengers, if any, such assistance as may be practicable and necessary to save them from any danger caused by the collision and to stay by the other vessel until he has ascertained that she has no need of further assistance; and

(*b*) to give to the masters or persons in-charge of the other vessels, the name of his own vessel and of the port to which she belongs and also from which she comes and to which she is bound.

(*2*) The failure of the master of a vessel to comply with the provisions of this section shall not raise any presumption of liability under this Chapter.

Collision to be entered in official logbook.

159. In every case of collision in which it is practicable so to do, the master of every vessel shall immediately after the occurrence, cause a statement thereof and of the circumstances under which the same occurred, to be entered in the official logbook, if any, and the entry shall be signed by the master and also by the officer on watch or one of the seafarers.

Report to Director-General of accidents to vessels.

160. When an Indian vessel or other vessels to which this Chapter applies, has sustained or caused any accident occasioning loss of life or any serious injury to any person or has received any material damage affecting her seaworthiness or her efficiency either in her hull or is so altered in any part of her machinery as not to correspond with the particulars contained in any of the certificates granted under this Act in respect of the vessel, the master or ship owner or his agent shall, within such time as may be prescribed, after the happening of the accident or damage or as soon thereafter as possible, transmit to the Director-General or the nearest principal officer a report of the accident or damage and of the probable cause thereof stating the name of the vessel, her official number, if any, her port of registry and the place where she is.

Notice of loss of Indian vessel to be given to Director-General.

161. If the owner or agent of any Indian vessel has reason, owing to the non-appearance of the vessel or to any other circumstance, to apprehend that the vessel is wholly lost, he shall as soon as may be, send notice in writing to the Director-General relating to the loss and the cause of such loss stating the name of the vessel, her official number, if any, and her port of registry.

CHAPTER II

LIMITATION OF LIABILITY FOR MARITIME CLAIMS

Limitation of liability for damages in respect of certain claims.

162. (*1*) The ship owner or salvor or any person for whose act, neglect or default, the ship owner or salvor, or any such person is responsible, and the insurer of liability for such claims, may limit his liability for claims in respect of—

(*a*) loss of life or personal injury or loss of or damage to property including damage to harbour works, basins and waterways and aids to navigation, occurring onboard or in direct connection with the operation of the vessels or with salvage operations and consequential loss resulting therefrom;

(*b*) loss resulting from delay in the carriage by sea of cargo, passengers or their luggage;

(*c*) other loss resulting from infringement of rights other than contractual rights, occurring in direct connection with the operation of the vessel or salvage operations;

(*d*) the raising, removal, destruction or the rendering harmless of a vessel which is sunk, wrecked, stranded or abandoned, including anything that is or has been onboard such vessel;

(*e*) the removal, destruction or the rendering harmless of the cargo of the vessel;

(*f*) a person other than the person liable in respect of measures taken in order to avert or minimise loss for which the person liable may limit his liability in accordance with the Limitation of Liability for Maritime Claims Convention and further loss caused by such measures.

(*2*) The claims set out under sub-section (*1*) shall be subject to limitation of liability, even if brought by way of recourse or for indemnity under a contract or otherwise:

Provided that claims set out under clauses (*d*), (*e*) and (*f*) of sub-section (*1*) shall not be subject to limitation of liability to the extent they relate to remuneration under a contract with the person liable.

(*3*) Nothing in this section shall apply to,—

(*a*) claims for salvage, including any claim for special compensation under Article 14 of the Salvage Convention, or contribution in general average;

(*b*) claims for oil pollution damage under Chapter III of this Part relating to civil liability for oil pollution damage;

(*c*) claims subject to any convention or any law for the time being in force in India governing or prohibiting limitation of liability for nuclear damage;

(*d*) claims against the ship owner of a nuclear vessel for nuclear damage;

(*e*) claims by servant of the ship owner or salvor whose duties are connected with the vessel or the salvage operations, including claims of their heirs, dependants or other persons entitled to make such claims, if under the law governing the contract of service between the ship owner or salvor and such servants, the ship owner or salvor is not entitled to limit his liability in respect of such claims, or if he is by such law only permitted to limit his liability to an amount greater than that provided in the Limitation of Liability for Maritime Claims Convention or the rules made under sections 165 and 166.

Explanation 1.—For the purposes of this section, the act of invoking limitation of liability shall not be an admission of liability.

Explanation 2.—For the purposes of this Chapter,—

(*a*) the liability of a ship owner shall include the liability in an action brought against the vessel herself;

(*b*) "ship owner" means the owner, charterer, manager or operator of a sea-going vessel.

Conduct barring limitation.

163. A person shall not be entitled to limit his liability under section 162, if it is proved that the loss resulted from his personal act or omission, committed with the intent to cause such loss, or committed recklessly and with knowledge that such loss is likely to result.

Counter claims.

164. Where a person entitled to limitation of liability under this Chapter has a claim against the claimant arising out of the same occurrence, their respective claims shall be set off against each other and the provisions of this Chapter shall apply only to the balance, if any.

Limits of liability.

165. (*1*) The limits of liability for claims other than passenger claims under section 166 arising on any distinct occasion, shall be calculated in accordance with the provisions of the Limitation of Liability for Maritime Claims Convention:

Provided that in cases where the provisions of the Limitation of Liability for Maritime Claims Convention are not applicable, the limit of liability shall be such as may be prescribed.

(*2*) Where the amount calculated in respect of claims for loss of life or personal injury is insufficient to pay such claims in full, the amount calculated in respect of other claims shall be available for payment of the unpaid balance of claims in respect of claims for loss of life or personal injury and such unpaid balance shall rank rateably with claims in respect of other claims.

(*3*) Without prejudice to the right of claims for loss of life or personal injury under sub-section (*2*), the claims in respect of damage to harbour works, basins, waterways and aids to navigation shall have priority over other claims.

(*4*) The limits of liability for any salvor not operating from any vessel or for any salvor operating solely on the vessel to, or in respect of which he is rendering salvage services, shall be calculated according to gross tonnage as provided in the Convention on Limitation of Liability for Maritime Claims.

Limit for passenger claims.

166. In respect of claims arising on any distinct occasion for loss of life or personal injury to passengers of a vessel, the limit of liability of the owner thereof shall be such as may be prescribed.

Explanation.—For the purposes of this section, "claims arising on any distinct occasion for loss of life or personal injury to passengers of a vessel" shall mean any claim brought by or on behalf of any person carried in that vessel,—

(*a*) under a contract of passenger carriage; or

(*b*) who, with the consent of the carrier, is accompanying a vehicle or live animals which are covered by a contract for the carriage of goods.

Aggregation of claims.

167. (*1*) The limits of liability determined under section 165 shall apply to the aggregate of all claims which arise on any distinct occasion,—

(*a*) against the person or any person for whose act, neglect or default, he is responsible; or

(*b*) against a ship owner rendering salvage services from that vessel and a salvor operating from such vessel and any person for whose act, neglect or default he is responsible; or

(*c*) against the salvor who is not operating from a vessel or who is operating solely on the vessel in respect of which the salvage services are rendered and any person for whose act, neglect or default, such salvor is responsible.

(*2*) The limits of liability determined under section 165 shall apply to the aggregate of all claims subject thereto which may arise on any distinct occasion against the ship owner in respect of the vessel referred to in that section and any person for whose act, neglect or default he is responsible.

Constitution of limitation fund.

168. (*1*) Any person alleged to be liable may constitute a fund with the Central Government or the High Court in which legal proceedings are instituted or expected to be instituted in respect of claims which can be limited under this Chapter.

(*2*) The fund shall be constituted in the sum of the amounts calculated in accordance with the provisions of section 165 or section 166, read with section 167, as are applicable to claims for which limitation of liability is invoked and which arise from the same distinct occasion, together with interest at such rate as may be notified by the Central Government thereon from the date of occurrence giving rise to the liability until the date of the constitution of the fund.

(*3*) The limitation fund of the value calculated in accordance with sub-section (*2*) or stipulated by the High Court or the Central Government, shall be constituted by—

(*a*) depositing the amount; or

(*b*) producing a guarantee acceptable under any law for the time being in force and considered to be adequate by the High Court or the Central Government.

(*4*) The fund so constituted shall be available only for the payment of claims in respect of which limitation of liability may be invoked.

(*5*) The fund constituted by one of the persons or ship owner or salvors referred to in section 167, or his insurer, shall be deemed to be constituted by all such persons or ship owners or salvors or their insurers.

Limitation of liability without constitution of a limitation fund.

169. (*1*) Limitation of liability may be invoked notwithstanding that a limitation fund has not been constituted under section 168.

(*2*) In case the right to limitation of liability is invoked without the constitution of a limitation fund under section 168,—

(*a*) the High Court shall adjudicate each claim for its full proven amount and declare the right of the person liable to limit his liability and for the purpose of enforcement, the amount of limitation shall be applicable to the respective claims; and

(*b*) the claimant shall not be barred from taking other action in respect of such claims.

(*3*) Section 171 shall not be applicable unless a limitation fund is constituted under section 168.

Distribution of fund.

170. (*1*) Subject to the limits of liability under sections 165 and 166, the fund shall be distributed among the claimants in proportion to their established claims.

(*2*) No lien or other right in respect of any vessel or property shall affect the proportions in which the fund is distributed among several claimants under this section.

(*3*) If before the fund is distributed, the person liable or his insurer has settled a claim against the fund, such person shall, up to the amount he has paid, acquire by subrogation the rights which the person so compensated would have enjoyed under this Chapter.

(*4*) The right of subrogation under sub-section (*3*) may also be exercised by any person other than the person liable or his insurers in respect of any amount of compensation which such person may have paid.

(*5*) Where the person liable or any other person establishes that he may be compelled to pay at a later date, in whole or in part any such amount of compensation with regard to which such person would have enjoyed a right of subrogation under this section had the compensation been paid before the fund was distributed, the High Court or the Central Government where the fund is constituted may order that a sufficient sum be provisionally set aside to enable such person to enforce his claim against the fund at such later date.

Bar to other actions.

171. (*1*) Where a fund is constituted under section 168, any person having made a claim against the fund shall be barred from exercising any right in respect of such claim against any other vessel or property of a person by or on behalf of whom the fund was constituted.

(*2*) After a fund is constituted under section 168, if any vessel or other property, belonging to a person on behalf of whom the fund was constituted, is arrested or attached for a claim which may be raised against the fund, or any security given, may be released by an order of the High Court and such release shall always be ordered by the High Court whether or not the fund was constituted with the same or any other High Court or with the Central Government.

(*3*) The provisions of sub-sections (*1*) and (*2*) shall apply only if the claimant makes a claim against the fund before the High Court or the Central Government administering that fund and the fund is actually available and freely transferable in respect of that claim.

Compulsory insurance or other financial security for maritime claims subject to limitation.

172. (*1*) Every registered owner of an Indian vessel and of any vessel other than an Indian vessel entering or departing a port in India or operating in the coastal waters shall maintain compulsory insurance or such other financial security from an insurer or organisation as may be prescribed, in respect of such vessel.

(*2*) The insurance shall cover maritime claims subject to limitation specified under section 162.

(*3*) The amount of insurance for each and every vessel per incident shall be at least equal to the relevant maximum amount for the limitation of liability provided under section 165 and for passenger claims the relevant maximum amount for the limitation of liability under section 166.

(*4*) Any vessel departing a port in India in contravention of this section shall be liable to be detained by such authority as may be prescribed.

Scope of application of this Chapter.

173. (*1*) The provisions of this Chapter shall apply to any person referred to in section 162 who seeks to limit his liability before the High Court or seeks to procure the release of a vessel or other property or the discharge of any security given within India but shall not apply to any person who does not have—

(*a*) habitual residence in India; or

(*b*) principal place of business in India; or

(*c*) any vessel in relation to which the right of limitation is invoked or whose release is sought and which does not fly the flag of a State which is a party to the Convention on Limitation of Liability for Maritime Claims,

at the time of invocation of the provisions of this Chapter.

(*2*) The provisions of this Chapter shall not apply to air-cushion vehicles or floating platforms constructed for the purpose of exploring or exploiting the natural resources of the sea-bed or the sub-soil thereof.

Power to make rules for matters under Chapters I and II of this Part.

174. (*1*) The Central Government may make rules to carry out the provisions of Chapter I and this Chapter.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the time within which the master or ship owner or his agent shall report the accident to the Director-General or the nearest principal officer under section 160;

(*b*) the limits of liability in cases where the provisions of the Limitation of Liability for Maritime Claims Convention are not applicable under the proviso to sub-section (*1*) of section 165;

(*c*) the limit of liability of the ship owner for loss of life or personal injury to passengers of a vessel under section 166;

(*d*) insurer or other organisation and other financial security whose insurance is acceptable under sub-section (*1*) of section 172;

(*e*) the authority competent to detain any vessel under sub-section (*4*) of section 172;

(*f*) any other matter which is required to be or may be prescribed.

CHAPTER III

CIVIL LIABILITY FOR OIL POLLUTION DAMAGE

Application of this Chapter.

175. This Chapter shall apply to,—

(*a*) pollution damage caused by,—

(*i*) Indian vessel within the jurisdiction of any contracting party to the Civil Liability Convention; and

(*ii*) Indian vessel and any ship while it is at a port or place in India including the coastal waters, extending not more than two hundred nautical miles from the baseline;

(*b*) preventive measures, wherever taken, to prevent or minimise such pollution damage.

Definitions.

176. In this Chapter, unless the context otherwise requires,—

(*a*) "incident" means any occurrence, or series of occurrences having the same origin, which causes pollution damage or creates a grave and imminent threat of causing such damage;

(*b*) "oil" means any persistent hydrocarbon mineral oil such as crude oil, fuel oil, heavy diesel oil and lubricating oil whether carried onboard a ship as cargo or in the bunkers of such ship;

(*c*) "person" means any individual or partnership or any public or private body, whether corporate or not, including a State or any of its constituent sub-divisions;

(*d*) "pollution damage" means,—

(*i*) loss or damage caused outside the ship by contamination resulting from the escape or discharge of oil from the ship, wherever such escape or discharge occurs:

Provided that compensation for impairment of the environment other than loss of profit from such impairment shall be limited to costs of reasonable measures of reinstatement actually undertaken or to be undertaken; and

(*ii*) the costs of preventive measures and further loss or damage caused by preventive measures;

(*e*) "preventive measures" means any reasonable measures taken by any person after an incident has occurred to prevent or minimise pollution damage;

(*f*) "ship" means any sea-going vessel and seaborne craft of any type whatsoever constructed or adapted for the carriage of oil in bulk as cargo:

Provided that a ship capable of carrying oil and other cargoes shall be regarded as a ship only when it is actually carrying oil in bulk as cargo and during any voyage following such carriage unless it is proved that it has no residues of such carriage of oil in bulk aboard;

(*g*) "ship owner" means,—

(*i*) the person registered as the owner of the ship; or

(*ii*) in the absence of registration, the person owning the ship; or

(*iii*) in the case of a ship owned by any State, the persons registered in that State as the operator of such ship.

Liability of ship owner.

177. (*1*) Save as otherwise provided in sub-sections (*2*) and (*3*), the ship owner shall be liable for any pollution damage caused by the ship as a result of the incident and where the incident consists of a series of occurrences, from the time of the first of such occurrences.

(*2*) No liability for pollution damage shall be attached to the ship owner, if he proves that the pollution damage,—

(*a*) resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character; or

(*b*) was wholly caused by an act or omission done with intent to cause damage by a third party; or

(*c*) was wholly caused by the negligence or other wrongful act of any Government or other authority responsible for the maintenance of lights or other navigational aids in the exercise of that function.

(*3*) Where the ship owner proves that the pollution damage resulted either wholly or partially from an act or omission done with intent to cause damage by the person who suffered the damage or from the negligence of that person, the ship owner may be exonerated wholly or partially from his liability to such person.

(*4*) No claim for compensation for pollution damage may be made against the ship owner otherwise than in accordance with the provisions of this Chapter.

(*5*) Subject to sub-section (*6*), no claim for compensation for pollution damage under this Chapter or otherwise may be made against,—

(*a*) the servants or agents of the ship owner or the seafarers;

(*b*) the pilot or any other person who, not being a seafarer, performs services for the ship;

(*c*) any charterer (howsoever described including a bareboat charterer), manager or operator of the ship;

(*d*) any person performing salvage operations with the consent of the ship owner or on the instructions of a competent public authority;

(*e*) any person taking preventive measures;

(*f*) any servant or agent of persons mentioned in clauses (*c*), (*d*) and (*e*),

unless the damage resulted from their personal act or omission, committed with the intent to cause such damage, or committed recklessly and with knowledge that such damage is likely to result.

(*6*) Nothing in this Chapter shall prejudice any right of recourse of the ship owner against third parties.

Joint and several liability for ships.

178. When an incident involving two or more ships occur and pollution damage results therefrom, all the ship owners concerned, unless exonerated under sub-section (*3*) of section 177, shall be jointly and severally liable for all such damage which is not reasonably separable.

Jurisdiction of High Court.

179. (*1*) The admiralty jurisdiction of the respective High Courts under the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017, shall be deemed to extend to any claim for liability arising under this Chapter and shall also extend to any case arising out of such claim, including the constitution of a limitation fund (hereafter in this Chapter referred to as fund) by the ship owner. 22 of 2017.

(*2*) All claims arising out of an incident of oil pollution, including the constitution of a fund, shall be made in the High Court having jurisdiction over the pollution damage and if the pollution damage occurs in the Exclusive Economic Zone, or more than one High Court has jurisdiction over such pollution damage, the claim may be made in the High Court which has jurisdiction over the port or place where the ship responsible for such pollution damage is detained.

Jurisdiction where pollution damage occurs in two or more States.

180. Where pollution damage occurs in the territory of one or more other contracting parties to the Civil Liability Convention, or preventive measures have been taken to prevent or minimise pollution damage in the territory of such contracting parties, claims for compensation may be brought in the courts of any such contracting party:

Provided that once a fund is established in India in accordance with the provisions of this Chapter, only the High Court or the Central Government shall have jurisdiction to determine matters relating to apportionment and distribution of the fund.

Limitation of liability.

181. (*1*) The ship owner may limit his liability under this Chapter in respect of any incident, to an aggregate amount in accordance with Article V of the Civil Liability Convention.

(*2*) The ship owner shall not be entitled to limit his liability under this Chapter if it is proved that the pollution damage resulted from his personal act or omission, committed or made with the intent to cause such damage, or recklessly and with knowledge that such damage is likely to result.

Constitution of limitation fund.

182. (*1*) Any ship owner, desiring to avail of the benefit of limitation of his liability under this Chapter, shall apply to the High Court having jurisdiction or the Central Government for constitution of a fund for the total sum representing his limits of liability, within such time and in such manner, as may be prescribed.

(*2*) Such fund may be constituted either by depositing the sum or by furnishing bank guarantee or such other security with the High Court or the Central Government.

(*3*) The insurer or any other person providing financial security to the ship owner may apply to the High Court or the Central Government for constitution of the fund under sub-section (*1*) and the fund so constituted shall have the same effect as if it were constituted by the ship owner.

(*4*) An application for constitution of the fund may be made by the insurer under this section even in cases where the ship owner is not entitled to limit his liability under sub-section (*2*) of section 181 and in any such event, constitution of the fund shall not prejudice the rights of any claimant against the ship owner for full compensation exceeding the amount deposited or secured in the fund.

(*5*) The amount in Special Drawing Rights to be deposited or secured in the fund under this section shall be converted in rupees on the basis of official value in rupees of the Special Drawing Rights as determined by the Reserve Bank of India on the date of constitution of the fund.

(*6*) Where a fund is established by the ship owner in relation to an incident of oil pollution before a High Court, all claims for compensation under this Chapter shall only be instituted in the High Court where the fund was constituted:

Provided that where claims arising out of the incident of oil pollution is made in High Courts other than the one where the fund was established, the ship owner may approach the Supreme Court in accordance with the Code of Civil Procedure, 1908 to transfer the claims to the High Court where such fund was established.

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Claims for compensation where fund is established.

183. (*1*) Upon constitution of the fund, the High Court or the Central Government shall issue a notice inviting claims against the fund arising from the particular incident of oil pollution, within such time and containing such other particulars as may be prescribed.

(*2*) Any person who has suffered pollution damage shall be entitled to claim compensation and may make an application for participation in the proceedings:

Provided that where such fund has not been established, the claimant may approach the High Court having jurisdiction or the Central Government under section 180.

(*3*) The Central Government shall issue a notice of proceedings to the International Oil Pollution Compensation Fund which is entitled to participate in the proceedings in accordance with Chapter V of this Part.

(*4*) The Central Government may prescribe the procedure to be followed for establishment of the fund and adjudication of claims arising from an incident of oil pollution.

Acquisition of right for compensation by subrogation.

184. (*1*) Where, before the fund is distributed, the ship owner or any of his servants or agents or any person providing him insurance or other financial security has as a result of an incident paid compensation for pollution damage, such person shall upto the amount he has paid, acquire by subrogation the rights which the person so compensated may have enjoyed under this Chapter.

(*2*) Where the ship owner or any other person establishes that he may be compelled to pay at a later date in whole or in part any such amount of compensation with regard to which such person shall have enjoyed a right of subrogation under sub-section (*1*) had the compensation been paid before the fund was distributed, the High Court where the fund was constituted may order that a sufficient sum be provisionally set aside to enable such person to enforce his claim against the fund at such later date.

Consolidation of claims and distribution of fund.

185. (*1*) The High Court or the Central Government shall consolidate all claims against the fund including those arising out of subrogation under section 184.

(*2*) Any claim in respect of expenses reasonably incurred or sacrifices reasonably made by the ship owner voluntarily to prevent or minimise pollution damage shall rank equally with other claims against the fund.

(*3*) Subject to the right of subrogation under section 184, the High Court or the Central Government shall distribute the amount in the fund among all claimants in proportion to their established claims.

(*4*) If the ship owner, insurer or other financial security holder has failed to establish a fund under this Chapter, the High Court shall make an order for compensation against such party to be payable within such period as may be specified in the order.

Arrest and sale of ship if ship owner, etc., unable to satisfy claims for compensation.

186. (*1*) Where the High Court makes an order for compensation which the ship owner has not complied with and such owner has not established a fund, an application may be made by a person entitled to compensation to that court to arrest the ship responsible for the incident or any ship owned by such person.

(*2*) The High Court may direct the amount remaining unpaid after determination of liability of the International Oil Pollution Compensation Fund, in accordance with Chapter V of this Part, to be levied by distress and sale of the ship and her equipment in accordance with this Act.

(*3*) The High Court or the Central Government shall have the power to detain any ship involved in an incident of oil pollution, until the ship owner has established a fund in accordance with section 182, or has duly complied with the order for compensation under sub-section (*4*) of section 185, whichever is earlier.

Restriction on enforcement of claims after establishment of fund.

187. Where the ship owner after an incident has constituted a fund in accordance with this Chapter and is entitled to limit his liability,—

(*a*) no person having a claim for pollution damage arising out of that incident shall be entitled to exercise any right against any other ship and property of the ship owner in respect of such claim;

(*b*) the High Court or the Central Government shall order the release of any ship or other property belonging to the ship owner which has been detained in respect of a claim for pollution damage arising out of that incident and shall similarly release any bail or other security furnished to avoid any arrest:

Provided that this section shall apply only if the sum paid into the High Court or to the Central Government, or such part thereof as corresponds to the claim, is actually available to the claimant.

Compulsory insurance or other financial security.

188. (*1*) The owner of every ship carrying more than two thousand tons of oil in bulk as cargo shall in respect of such ship maintain an insurance or other financial security to cover his liability for pollution damage under this Chapter for the amount specified under the provisions of the Civil Liability Convention:

Provided that the Central Government may require the owner of a ship carrying such tons of oil in bulk, to maintain insurance or other financial security to cover his liability for pollution damage upto such limits, as may be prescribed.

(*2*) In respect of every Indian vessel which maintains insurance or other financial security under sub-section (*1*), there shall be granted by the Central Government a certificate in such form and giving such particulars, subject to payment of such fee, as may be prescribed.

(*3*) The Central Government may, on an application by the owner or agent of any foreign ship, grant a certificate under sub-section (*2*) in respect of such foreign ship on production of satisfactory evidence relating to maintenance of insurance or other financial security in accordance with the provisions of the Civil Liability Convention.

Acceptance of certificate granted outside India.

189. Any certificate granted by a competent authority in a State outside India to a ship registered in that State or any certificate granted by a competent authority of a State which is a contracting party to the Civil Liability Convention to any ship wherever it is registered, shall be accepted at any port or place in India, as if it were granted under this Act.

Ban on entering or leaving an Indian port without certificate.

190. (*1*) No Indian vessel which has onboard more than two thousand tons of oil in bulk as cargo shall enter or leave or attempt to enter or leave any port or place in India unless it carries onboard a certificate granted under sub-section (*2*) of section 188 or a certificate accepted under section 189.

(*2*) No ship other than an Indian vessel carrying more than two thousand tons of oil in bulk as cargo, wherever registered, shall enter or leave or attempt to enter or leave any port or place in India unless it carries onboard a certificate granted under sub-section (*2*) of section 188 or a certificate accepted under section 189.

(*3*) No proper officer shall grant inward entry or outward clearance to any ship to which sub-section (*1*) or sub-section (*2*) applies, unless its master produces a certificate required in respect of such ship.

Direct action against insurer or other person providing financial security.

191. (*1*) The insurer or other person providing financial security for the ship owner's liability for pollution damage may be directly liable for any claim for compensation for such damage which may be brought directly against such insurer or other person.

(*2*) The insurer or other person providing financial security against whom a claim is made directly may, even if the owner is not entitled to limit his liability under section 181, avail himself such limits of liability as specified in the said section.

(*3*) The insurer or other person providing financial security may further avail himself of the defences (other than the bankruptcy or winding up of the company) which the ship owner himself would have been entitled to invoke and such insurer or other person may avail himself of the defence that the pollution damage resulted from the wilful misconduct of the ship owner himself but such insurer or other person shall not avail himself of any other defence which he might have been entitled to invoke in the proceedings brought by the ship owner against him.

(*4*) The insurer or other person providing financial security shall in any case have the right to require the ship owner to be joined in the proceedings.

(*5*) Any sum provided by insurance or by other financial security maintained in accordance with section 188 shall be available exclusively for the satisfaction of claims under this Chapter.

Recognition of judgment of court of contracting parties to Civil Liability Convention.

192. (*1*) Any judgment passed by a competent court of contracting party under the Civil Liability Convention shall be recognised in India, except where,—

(*a*) the judgment was obtained by fraud; or

(*b*) the ship owner or the insurer or the person providing financial security who is a party to the proceedings was not given reasonable notice and a fair opportunity to present his case.

(*2*) Any judgment recognised under sub-section (*1*) shall be enforceable in India in accordance with such procedure as may be prescribed:

Provided that such procedure shall not permit the merits of the case to be re-opened.

Limitation period.

193. (*1*) The rights of compensation under this Chapter shall be extinguished unless action is brought within a period of—

(*a*) three years from the date of occurrence of pollution damage; and

(*b*) six years from the date of the incident which caused pollution damage.

(*2*) If the incident consists of a series of occurrences, the period of six years shall commence from the date of the first occurrence.

Government ships.

194. Nothing in this Chapter shall apply to any warship or any ship for the time being used by the Government of any State for purposes other than commercial purposes.

Power to make rules.

195. (*1*) The Central Government may make rules to carry out the provisions of this Chapter.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the time and manner of constitution of the limitation fund under sub-section (*1*) of section 182;

(*b*) the time and other particulars of the notice under sub-section (*1*) of section 183;

(*c*) the procedure for establishment of fund and adjudication of claims arising from incidents of oil pollution under sub-section (*4*) of section 183;

(*d*) the threshold limit of tonnage of oil to be carried in bulk and the limit of liability for pollution damage under the proviso to sub-section (*1*) of section 188;

(*e*) the form, particulars and fee to be paid for the grant of a certificate under sub-section (*2*) of section 188;

(*f*) the procedure for enforcement of judgement under sub-section (*2*) of section 192;

(*g*) any other matter which is required to be or may be prescribed.

CHAPTER IV

CIVIL LIABILITY FOR BUNKER OIL POLLUTION DAMAGE

Application of this Chapter.

196. This Chapter shall apply to,—

(*a*) pollution damage caused due to escape or discharge of bunker oil from every Indian vessel and from every ship other than an Indian vessel while it is,—

(*i*) within the territory of India including territorial waters; or

(*ii*) at a port or a place in India or within the coastal waters, not extending more than two hundred nautical miles from the baseline;

(*b*) preventive measures for preventing or minimising the pollution damage,

but shall not apply to—

(*a*) warships, naval auxiliary or other vessels owned or operated by the Government and used for the time being, only for non-commercial purposes;

(*b*) pollution damage specified in Chapter III of this Part.

Definitions.

197. In this Chapter, unless the context otherwise requires,—

(*a*) "Bunker Convention" means the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001;

(*b*) "bunker oil" means any hydrocarbon mineral oil, including lubricating oil, used or intended to be used for the operation or propulsion of the ship, and any residues of such oil;

(*c*) "incident", "person", "pollution damage" and "preventive measures" shall have the meanings respectively assigned to them in clauses (*a*), (*c*), (*d*) and (*e*), of section 176;

(*d*) "registered owner" means the person or persons registered as the owner of the ship or, in the absence of registration, the person or persons owning the ship, and in the case of a ship owned by a State and operated by a company which in that State is registered as the ship's operator, "registered owner" shall mean such company;

(*e*) "ship" means any sea-going vessel and sea borne craft of any type whatsoever;

(*f*) "ship owner" means the owner, including the registered owner, bareboat charterer, manager and operator of the ship.

Liability for bunker oil pollution.

198. (*1*) Save as otherwise provided in section 200,—

(*a*) where pollution damage is caused due to discharge or escape of bunker oil onboard or originating from the ship, the ship owner shall be liable for,—

(*i*) any pollution damage;

(*ii*) the cost of any reasonable measures taken for preventing or minimising any pollution damage so caused or likely to be caused; and

(*iii*) any damage caused by any such preventive measure so taken:

Provided that where an incident consists of a series of occurrences having the same origin, the ship owner shall be liable from the first of such occurrences and where more than one person is liable, their liability shall be joint and several;

(*b*) where there is a grave and imminent threat of damage being caused outside a ship, the ship owner shall be liable for the cost of any measures reasonably taken to prevent or minimise any such damage.

(*2*) Where any incident involving two or more ships occurs resulting in pollution damage, the ship owners of all ships involved in such incident shall, unless the damage is reasonably separable, be jointly and severally liable for such damage.

Exemption from liability.

199. (*1*) No liability for pollution damage shall be incurred by the ship owner under this Chapter, if he proves that such damage,—

(*a*) resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character; or

(*b*) was wholly caused by any act or omission done with an intent to cause such damage by any person other than an employee or agent of the ship owner; or

(*c*) was wholly caused by the negligence or other wrongful act of any Government or other authority responsible for the maintenance of lights or other navigational aids in the exercise of that function.

(*2*) If the ship owner proves that the pollution damage resulted wholly or partially either from an act or omission done with intent to cause damage by the person who suffered the damage or from the negligence of that person, then, he shall be wholly or partially exonerated from his liability to such person.

Right of ship owner to limitation of liability.

200. (*1*) The ship owner and the person providing insurance or other financial security shall be entitled to limit his liability under this Chapter in respect of any one or more incidents in accordance with the provisions of Chapter II of this Part.

(*2*) The ship owner shall not be entitled to limit his liability, if it is proved that the incident causing pollution damage occurred as a result of his personal act or omission, committed or made with intent to cause such damage, or committed recklessly and with knowledge that such damage is likely to result.

Determination of limitation of liability.

201. A ship owner who is alleged to have incurred a liability for bunker oil pollution under section 198 or his insurer may make an application to the High Court or the Central Government for determination of limitation of his liability in accordance with the provisions of Chapter II of this Part.

Consolidation of claims and distribution of amount.

202. The High Court or the Central Government may consolidate all claims against the ship owner or his insurer who has deposited the amount under section 201 and may distribute the amount amongst the claimants in accordance with the provisions of section 170.

Extinguishment of right to claim.

203. (*1*) The right to claim compensation under this Chapter shall be extinguished, if such claim is not made within a period of—

(*a*) three years from the date of occurrence of damage; and

(*b*) six years from the date of incident which caused such damage.

(*2*) Where the incident consists of a series of occurrences, the period of six years shall commence from the date of the first of such occurrence.

Maintenance of compulsory insurance or other financial security.

204. Every registered owner of a ship having gross tonnage of more than one thousand tons shall, for the purpose of his liability for pollution damage under this Chapter, maintain compulsory insurance coverage or such other financial security, subject to such limits as may be specified under the Limitation of Liability for Maritime Claims Convention.

Direct action against insurer or other person providing financial security.

205. (*1*) The insurer or other person providing financial security for the ship owner's liability for pollution damage may also be liable along with the ship owner for any claim for compensation for such damage.

(*2*) The insurer or other person providing financial security may, if the ship owner is not entitled to limit his liability in accordance with the provisions of section 200, avail himself such limits of liability as may be prescribed.

(*3*) Any claim for compensation for pollution damage may be brought directly against the insurer or other person providing financial security for the registered ship owner's liability for pollution damage and in such case, the insurer or such person may invoke defences (other than bankruptcy or winding up of the company) which the ship owner would have been entitled to invoke, including limitation of liability under section 200:

Provided that the insurer or such person may invoke the defence that the pollution damage resulted from the wilful misconduct of the ship owner but shall not invoke any other defence which such insurer or person might have been entitled to invoke in proceedings brought by the ship owner against such insurer or person:

Provided further that the insurer or such person may make the ship owner a party to such proceedings.

Grant of certificate.

206. (*1*) The Central Government shall grant a certificate in respect of every ship which maintains insurance or other financial security, in such form, containing such particulars, subject to such conditions and on payment of such fee, as may be prescribed.

(*2*) Every certificate granted under sub-section (*1*) shall on expiry, be renewed in such manner and on payment of such fee as may be prescribed.

Ban on entering or leaving port without clearance.

207. (*1*) No ship shall enter or leave or attempt to enter or leave any port or place to which this Chapter applies unless it carries onboard a certificate granted under section 206.

(*2*) Any certificate granted by a competent authority in any State outside India to a ship registered in that State or any certificate granted by a competent authority of any State which is a contracting party to the Bunker Convention to any ship wherever registered, shall be accepted at any port or place in India as if it were granted under this Act.

(*3*) No proper officer shall permit inward entry or outward clearance to any ship to which sub-section (*1*) or sub-section (*2*) applies unless the master of the ship produces the certificate required in respect of such ship.

Right of recourse.

208. Nothing contained in this Chapter shall prejudice the right of recourse that the ship owner may have against any other person in respect of his liability.

Recognition of judgment of court of contracting parties to Bunker Convention.

209. (*1*) Any judgment passed by a competent court of a contracting party under the Bunker Convention shall be recognised in India except where,—

(*a*) the judgment was obtained by fraud; or

(*b*) the ship owner or the insurer or the person providing financial security who is a party to the proceedings was not given reasonable notice and a fair opportunity to present his case.

(*2*) Any judgment recognised under sub-section (*1*) shall be enforceable in India in accordance with such procedure as may be prescribed:

Provided that such procedure shall not permit the merits of the case to be re-opened.

Power to make rules.

210. (*1*) The Central Government may make rules to carry out the provisions of this Chapter.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the limits of liability of the insurer or other person providing financial security under sub-section (*2*) of section 205;

(*b*) the form of certificate, particulars, conditions and fee for issuance of certificate under sub-section (*1*) of section 206;

(*c*) the manner of renewal of certificate and fees under sub-section (*2*) of section 206;

(*d*) the procedure for enforcement of a judgment under sub-section (*2*) of section 209;

(*e*) any other matter which is required to be or may be prescribed.

CHAPTER V

International Oil Pollution Compensation Fund

Application of this Chapter.

211. This Chapter shall apply to pollution damage caused in the territory of India, including the coastal waters, not extending more than two hundred nautical miles from the baseline and to preventive measures, wherever taken, to prevent or minimise such pollution damage.

Definitions.

212. (*1*) In this Chapter, unless the context otherwise requires,—

(*a*) "associated person" includes any subsidiary or commonly controlled entity or such person as may be prescribed;

(*b*) "contributing oil" means crude oil and fuel oil.

Explanation.—For the purposes of this clause,—

(*i*) "crude oil" means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation and includes crude oils from which certain distillate fractions are removed (sometimes referred to as topped crudes) or to which certain distillate fractions are added (sometimes referred to as spiked or reconstituted crudes);

(*ii*) "fuel oil" means heavy distillates or residues from crude oil or blends of such materials intended for use as a fuel for the production of heat or power of a quality equivalent to the "American Society for Testing and Materials' Specification for Number Four Fuel Oil (Designation D 396-69)", or heavier;

(*c*) "Fund" means the International Oil Pollution Compensation Fund, 1992 established under Article 2 of the Fund Convention;

(*d*) "Fund Convention" means the International Convention on the establishment of an International Fund for Compensation for Oil Pollution Damage, 1992, including protocols, if any, to which India is a party;

(*e*) "guarantor" means any person providing insurance or other financial security to cover the owner's liability;

(*f*) "ton", in relation to oil, means a metric ton.

(*2*) The words or expressions used in this Chapter but not defined shall have the meanings respectively assigned to them in the Civil Liability Convention.

Contribution to Fund.

213. (*1*) All contributions to the Fund in respect of contributing oil carried by sea to ports or terminal installations in India shall be payable in accordance with Articles 10 and 12 of the Fund Convention.

(*2*) The provisions of sub-section (*1*) shall apply—

(*a*) whether or not the contributing oil is imported; and

(*b*) notwithstanding that contributions are payable to the Fund in respect of carriage of the same contributing oil on a previous voyage.

(*3*) The person liable to pay contributions to the Fund shall be—

(*a*) in case of contributing oil which is being imported into India, the importer; and

(*b*) in any other case, the person by whom the oil is received in India.

(*4*) A person shall not be liable to pay contributions to the Fund in respect of the contributing oil imported or received by him in any year, if the aggregate quantity of contributing oil so imported or received in a year by him and any associated person does not exceed one lakh fifty thousand tons, or as may be specified from time to time in the Fund Convention.

Explanation.—For the purposes of this section, "terminal installation" means any site for the storage of oil in bulk which is capable of receiving oil from waterborne transportation, including any facility situated offshore and linked to such site.

Contribution payable by persons to Fund.

214. (*1*) The contributions payable to the Fund by a person for any year shall be,—

(*a*) such amount as may be determined under Article 12 of the Fund Convention;

(*b*) in such instalments, becoming due at such dates,

as may be notified under the Fund Convention and any amount due shall be payable along with interest at a rate determined under Article 13 of the Fund Convention.

(*2*) The Central Government may require persons who are or may be liable to pay contributions to the Fund under this Chapter to give financial security for payment of contributions to the Central Government or the Fund.

Liability of Fund.

215. (*1*) Where any person suffering pollution damage is unable to obtain full and adequate compensation for the damage under the Civil Liability Convention, the Fund shall be liable to pay compensation to such person, if,—

(*a*) no liability for the damage arises under the provisions of the Civil Liability Convention; or

(*b*) the ship owner liable for the damage under the provisions of the Civil Liability Convention is financially incapable of meeting his obligations in full and any financial security that may be provided under that Convention does not cover or is insufficient to satisfy the claims for compensation for the damage and the person suffering damage has taken all reasonable steps to pursue the legal remedies available to him; or

(*c*) the damage exceeds the ship owner's liability under the Civil Liability Convention.

(*2*) The expenses incurred or sacrifices made by the ship owner voluntarily to prevent or minimise pollution damage shall be treated as pollution damage for the purposes of this section.

(*3*) The Fund shall incur no obligation under sub-section (*1*) if,—

(*a*) it is proved that the pollution damage resulted from an act of war, hostilities, civil war or insurrection or was caused by oil which has escaped or been discharged from a warship or other ship owned or operated by a State and used at the time of the incident, only on Government non-commercial service; or

(*b*) the claimant fails to prove that the damage resulted from an incident involving one or more ship.

(*4*) If the Fund proves that the pollution damage resulted wholly or partly either from an act or omission done with the intent to cause damage by the person who suffered the damage or from the negligence of that person, the Fund may be exonerated wholly or partly from its obligation to pay compensation to such person.

(*5*) The Fund shall in any event (except in respect of preventive measures), be exonerated to the extent the ship owner may have been exonerated under the Civil Liability Convention.

Limitation of liability of Fund.

216. (*1*) The liability of the Fund under section 215 shall be subject to the limits specified in Article 4 of the Fund Convention.

(*2*) Upon institution of a claim for compensation under this Chapter, the High Court shall issue notice to the Fund and such Fund shall be entitled to participate in the proceedings.

(*3*) No order shall be passed against the Fund by the High Court until the Fund notifies the High Court that the amount of the claim may,—

(*a*) not be reduced; or

(*b*) be reduced to a specified amount and the liability of the Fund shall be enforceable only for the reduced amount.

(*4*) The amount for which the Fund is liable under this Chapter shall be paid in rupees and the mode and manner of converting such amount from Special Drawing Rights into rupees shall be such as may be prescribed.

Power to call for information.

217. (*1*) The Central Government may, for the purpose of transmitting to the Fund, the names and addresses of the persons who under this Chapter are liable to make contributions to the Fund every year and the quantity of contributing oil in respect of which they are so liable, by notice, require any such person to furnish such information, in such manner and within such time, as may be specified therein.

(*2*) In proceedings by the Fund against any person for the recovery of any contribution due to the Fund under section 214, the particulars contained in any list transmitted by the Central Government to the Fund shall, so far as those particulars are based on information obtained under this section, be admissible as evidence of the facts stated therein, and so far as particulars which are so admissible are based on information given by the person against whom the proceedings are brought, shall be presumed to be accurate until the contrary is proved.

(*3*) No person shall disclose any information which was furnished to or obtained by him under this section unless the disclosure is made,—

(*a*) with the consent of the person from whom the information was obtained;

(*b*) in connection with the compliance of this section;

(*c*) for the purpose of any legal proceedings arising out of this section or of any report of such proceedings.

(*4*) A person who,—

(*a*) refuses or wilfully neglects to comply with a notice under this section; or

(*b*) makes, while furnishing any information in compliance with a notice under this section, any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular,

shall be liable to penalty under this Act.

Claims against Fund and jurisdiction of courts.

218. (*1*) Any claim against the Fund for compensation under this Chapter shall be brought before the High Court.

(*2*) The Fund shall have the right to intervene as a party to any legal proceedings instituted in the High Court against the ship owner or his guarantor.

(*3*) Where a notice of proceedings is given to the Fund by the High Court, any judgment given in the proceedings shall, after it has become final and enforceable, become binding upon the Fund to the effect that the facts and evidence in that judgment may not be disputed by the Fund on the ground that it has not intervened in the proceedings.

Extinguishment of claims.

219. Notwithstanding anything contained in any other law for the time being in force, no action to enforce a claim against the Fund under this Chapter shall be entertained by a High Court, unless—

(*a*) the action to enforce is commenced; or

(*b*) notice of action to enforce a claim against the ship owner or his guarantor in respect of the pollution damage is given to the Fund,

within three years from the date when the damage occurred and six years from the date of the incident that caused such damage.

Subrogation and right of recourse.

220. In respect of any sum paid by a public authority in India or by the Fund as compensation for pollution damage, that authority or the Fund shall acquire by subrogation any rights which the person so compensated would have enjoyed under the Fund Convention.

Power of Central Government to establish fund for excess claim.

221. The Central Government may establish a fund for the pollution damage exceeding the amount payable under this Part and the source of fund and manner of disbursement of compensation from such fund shall be such as may be prescribed.

Power to make rules.

222. (*1*) The Central Government may make rules to carry out the provisions of this Chapter.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) subsidiary or commonly controlled entity or person under clause (*a*) of sub-section (*1*) of section 212;

(*b*) the mode and manner of conversion of Special Drawing Rights to rupees under sub-section (*4*) of section 216;

(*c*) the source of fund and manner of disbursement of compensation from fund established under section 221;

(*d*) any other matter which is required to be or may be prescribed.

PART X

MARINE INCIDENT AND EMERGENCY RESPONSE

Application of this Part.

223. This Part shall apply to marine incidents occurring directly or in connection with the operations of,—

(*a*) Indian vessels; and

(*b*) vessels other than Indian vessels which enter a port or offshore terminal or place in India or within her coastal waters.

Definitions.

224. In this Part, unless the context otherwise requires,—

(*a*) "marine incident" means an event, or sequence of events, occurring directly in connection with the operation of a vessel that endangers, or if not corrected, would endanger the safety of the vessel, its occupants or any other person or the environment and includes marine violation, marine casualty, marine disaster, cyclones, storms or other adverse weather events, very serious marine casualty and such other event or sequence of events as may be notified by the Central Government;

(*b*) "maritime emergency response" means a speedy action undertaken in response to a marine incident to ensure minimum damage to the vessel, passengers, seafarers, cargo and the marine environment by mitigating, containing, restoring and providing relief against such marine incident.

Appointment of nodal authority for marine incidents.

225. (*1*) The Central Government shall, by notification, appoint one or more nodal authorities who shall administer and supervise the marine incidents and the corresponding maritime emergency response.

(*2*) The nodal authority shall discharge its duties under the supervision and control of the Central Government.

Primary response party.

226. (*1*) The ship owner or master, seafarers of the concerned vessel and such other persons as may be notified by the Central Government shall be the primary response party responsible for engaging in maritime emergency response.

(*2*) The primary response party shall comply with all directions, advisories or instructions issued by the concerned nodal authority for the respective class of marine incidents.

Plans and procedures for response mechanisms.

227. The Central Government shall notify plans for prevention of marine incidents and procedures for maritime emergency responses.

Powers of nodal authority.

228. (*1*) Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the nodal authority to issue directions in writing, consistent with the objectives of this Part, to the administrative bodies under the Central Government and the State Governments.

(*2*) The nodal authority may requisition the services of any officer of the Central Government or the State Government or any police officer or any other authority or body to assist for the purposes of this Part and it shall be the duty of every such officer or authority or body to comply with such requisition.

(*3*) The nodal authority may requisition the resources and pollution prevention equipment available with any of the offices of the Central Government or the State Government or other offices or organisations to assist for the purposes of this Part and it shall be the duty of such offices or organisations to comply with such requisition.

(*4*) The circumstances under which the nodal authority shall carry out maritime emergency response to a marine incident shall be such as may be prescribed.

Maintenance of compulsory insurance or other financial security.

229. Every registered owner of an Indian vessel or any other vessels which enter a port, shipyard or offshore terminal or place in India or within coastal waters shall, for the purpose of covering his liability under this Part, maintain adequate insurance coverage or such other financial security as may be prescribed, and carry onboard a certificate or document showing compliance with such requirement.

Power to make rules.

230. (*1*) The Central Government may make rules to carry out the provisions of this Part.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the circumstances under which the nodal authority shall carry out maritime emergency response to a marine incident under sub-section (*4*) of section 228;

(*b*) adequate insurance coverage or other financial security under section 229;

(*c*) any other matter which is required to be or may be prescribed.

PART XI

INVESTIGATION AND INQUIRIES ON MARINE CASUALTIES

Marine casualties and report thereof.

231. (*1*) For the purposes of investigation and inquiries under this Part, a marine casualty shall be deemed to be an event or sequences of events that has resulted in any of the following and has occurred directly or in connection with the operations of Indian vessels and any other vessels, when—

(*a*) on or near the coast of India, any vessel is lost, abandoned, stranded or materially damaged;

(*b*) on or near the coast of India, any vessel causes loss or material damage to any other vessel or to external infrastructure;

(*c*) any loss of life or presumed loss of life ensues by reason of any casualty happening or otherwise, onboard any vessel, on or near the coast of India or its coastal waters;

(*d*) in any place, any such loss, abandonment, stranding, material damage or casualty occurs to or onboard any Indian vessel and any competent witness thereof is found in India;

(*e*) any Indian vessel is lost or is supposed to have been lost, and any evidence is obtainable in India as to the circumstances under which such vessel proceeded to sea or was last heard of;

(*f*) in any place within the coastal waters, pollution, or the potential threat of such pollution to the environment, or severe damage to the environment, or the potential to severe damage to the environment is caused by a vessel;

(*g*) a fire or explosion takes place on any Indian vessel anywhere in the world, or a fire or explosion takes place on a vessel other than an Indian vessel, while such vessel is on or near the coast of India or its coastal waters.

(*2*) In the cases mentioned in sub-section (*1*), the ship owner, manager, operator, company, pilot, harbour master, master, or other person in charge of the vessel or where two vessels are concerned, in charge of each vessel at the time of the marine casualty shall, within twenty-four hours of the occurrence, give notice of the marine casualty to the officer appointed in this behalf by the Central Government.

(*3*) Wherever any such officer receives notice of the marine casualty under sub-section (*2*), he shall forthwith inform in writing to the Central Government and proceed to make preliminary inquiry into the marine casualty.

(*4*) The officer referred to in sub-section (*3*) shall, on completion of preliminary inquiry, furnish the report to the Central Government or other authority as may be appointed by it in this behalf.

(*5*) The Central Government may, for the purposes of the investigation, appoint a body to conduct marine safety investigation in accordance with the Safety Convention.

(*6*) The body appointed under sub-section (*5*) shall make preliminary assessment of the marine casualty and conduct a marine safety investigation for ascertaining the causes and circumstances of such marine casualty and submit its report to the Central Government.

Explanation.—For the purposes of this Part, "company" shall have the same meaning as assigned to it in clause (*a*) of section 115.

Power of Central Government to initiate proceedings.

232. On receipt of the marine safety investigation report under sub-section (*6*) of section 231, or if the Central Government is of the opinion that *prima facie*, there exists incompetency, misconduct or violation of any law for the time being in force on the part of any person, it may—

(*a*) initiate administrative action; and

(*b*) direct such officer or other authority having jurisdiction over the area to initiate proceedings against such person as may be required in accordance with such law.

PART XII

WRECK AND SALVAGE

CHAPTER I

WRECK

Application of this Chapter.

233. This Chapter shall apply to the wrecks located within the territory of India including the coastal waters but shall not apply to,—

(*a*) any measures taken under the International Convention relating to the Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969;

(*b*) any warship or other vessel owned or operated by the Government for non-commercial service.

Definitions.

234. In this Chapter, unless the context otherwise requires,—

(*a*) "authority" means the Central Government or any person authorised by it;

(*b*) "Convention" means the Nairobi Convention on the Removal of Wrecks, 2007;

(*c*) "hazard" means any condition or threat, that—

(*i*) poses a danger or impediment to navigation; or

(*ii*) may reasonably be expected to result in major harmful consequences to the marine environment or damage to the coastline or related interests of India or any other State.

Explanation.—For the purposes of this clause, "related interest" means—

(*i*) maritime coastal, port and estuarine activities including fisheries activities, constituting essential means of livelihood of the persons concerned;

(*ii*) tourist attractions and other economic interests of the areas concerned;

(*iii*) the health of the coastal population and the well-being of the area concerned, including conservation of marine living resources and of wildlife; and

(*iv*) offshore and underwater infrastructure;

(*d*) "maritime casualty" means a collision of ships, stranding or other incident of navigation or other occurrence onboard a ship or external to it, resulting in material damage or imminent threat of material damage to a ship or its cargo;

(*e*) "operator of ship" means the ship owner or any other organisation or person such as the manager or the bareboat charterer, who has assumed the responsibility for operation of the ship from the ship owner and has agreed to take over the duties and responsibilities enshrined under the International Safety Management Code;

(*f*) "receiver of wreck" means a person appointed as such under sub-section (*1*) of section 235;

(*g*) "registered owner" means,—

(*i*) the person registered as the owner of the ship or in the absence of registration, the person owning the ship at the time of the maritime casualty;

(*ii*) in the case of a ship owned by a State and operated by a company which in that State is registered as the operator of the ship;

(*h*) "removal" means any form of prevention, mitigation or elimination of the hazard created by a wreck and the expressions "remove", "removed" or "removing", shall be construed accordingly;

(*i*) "ship" means a sea-going vessel of any type whatsoever and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and floating platforms, except when such platforms are on location engaged in the exploration, exploitation or production of seabed mineral resources.

Receiver of wreck.

235. (*1*) The Central Government may, by notification, appoint any person to be a receiver of wreck who shall receive and take possession of wreck and perform his duties under this Chapter, within such local limits as may be specified in that notification.

(*2*) The duties of a receiver of wreck shall include disposal or sale of the wreck, giving of notices, enforcing performance of obligations by ship owner, operator or insurer of the ship, and to take such action as required to remove the wreck by the most practical and expeditious means available, consistent with considerations of safety and protection of maritime environment.

Duty to report wrecks.

236. (*1*) When any Indian vessel or any ship other than an Indian vessel, is involved in a maritime casualty resulting in a wreck in any area to which this Chapter applies, the master or ship owner or the operator of the ship shall, without any delay report such incident to the Director-General and the Maritime Rescue Coordination Centre or the Maritime Rescue Sub-Centre of Indian Coast Guard.

(*2*) When any Indian vessel is involved in a maritime casualty resulting in a wreck in a convention area of any State, the master and the operator of that ship shall, without any delay, report such incident to the affected State in such manner as may be required by that State and shall also report such incident to the Director-General and the Maritime Rescue Coordination Centre or the Maritime Rescue Sub-Centre of Indian Coast Guard.

Explanation.—For the purposes of this sub-section,—

(*i*) "affected State" means the country in whose convention area the wreck is located;

(*ii*) "convention area" means the Exclusive Economic Zone of a State party established in accordance with international law or, if a State party has not established such a zone, an area beyond and adjacent to the territorial sea of that State determined by that State in accordance with international law and extending not more than two hundred nautical miles from the baseline from which the breadth of its territorial sea is measured.

Determination of hazard.

237. The Central Government shall determine whether a wreck constitute a hazard or not, based on the following criteria, namely:—

(*a*) the type, size and construction of the wreck;

(*b*) the depth of water in the area;

(*c*) the tidal range and currents in the area;

(*d*) the proximity to protected areas including coral reefs and other areas as may be notified by the Central Government;

(*e*) the sensitive sea areas identified as appropriate and designated in accordance with guidelines adopted by the International Maritime Organisation, or a clearly defined area of the Exclusive Economic Zone where special mandatory measures are adopted in accordance with requirements of the United Nations Convention on the Law of the Sea, 1982;

(*f*) the proximity of shipping routes or established traffic lanes;

(*g*) the traffic density and frequency;

(*h*) the type of traffic;

(*i*) the nature and quantity of the wreck's cargo, the amount and types of oil (such as bunker oil and lubricating oil) onboard the wreck and in particular, the damage likely to result if the cargo or oil is released into the marine environment;

(*j*) the vulnerability of port and port facilities;

(*k*) the prevailing meteorological and hydrographical conditions;

(*l*) the submarine topography of the area;

(*m*) the height of the wreck above or below the surface of the water at lowest astronomical tide;

(*n*) the acoustic and magnetic profiles of the wreck;

(*o*) the proximity of offshore installations, pipelines, telecommunication cables and similar structures;

(*p*) the proximity of tourist spots and heritage locations; and

(*q*) any other criteria as may be prescribed.

Locating and marking of wrecks.

238. (*1*) When a wreck is determined to be a hazard, it shall be the duty of the ship owner or the operator of such a ship, to—

(*a*) immediately mark the wreck at his or its own cost in such manner as may be prescribed; and

(*b*) maintain the marking until the wreck is removed.

(*2*) The cost for locating and marking the ship shall be borne by or recovered from the ship owner or the operator of such a ship.

Power to pass over adjoining lands.

239. (*1*) Whenever a ship is wrecked, stranded or in distress, all persons may, for the purpose of rendering assistance to the ship or of saving the lives of the shipwrecked persons, or of saving the cargo or equipment of the ship, unless there is some public road equally convenient, pass and repass, either with or without vehicles or animals, over any adjoining lands without being subject to interruption by the owner or occupier of the land, so that they do as little damage as possible and may also on the like condition, deposit on these lands any cargo or other article recovered from the ship.

(*2*) Any damage sustained by an owner or occupier as a consequence of the exercise of the rights under this section shall be a charge on the ship, cargo or articles in respect of or by which the damage is sustained and in case of dispute, the amount payable in respect of such damage shall be determined by a Magistrate on an application made to him in this behalf.

Prohibition of certain acts in respect of wreck.

240. No person shall,—

(*a*) without the leave of the master, board or attempt to board any ship which is wrecked, stranded or in distress, unless the person acts by command of the Central Government; or

(*b*) impede or hinder or attempt in any way to impede or hinder the saving of any ship stranded or in danger of being stranded or otherwise in distress in any area to which this Chapter applies or of any part of the cargo or equipment of the ship, or of any wreck; or

(*c*) release any wreck or deface or obliterate any marks thereon; or

(*d*) wrongfully carry away or remove any part of a ship stranded or in danger of being stranded or otherwise in distress or any part of the cargo or equipment of the ship or any wreck, in any area to which this Chapter applies.

Search warrants where wreck is involved.

241. Where a receiver of wreck suspects or receives information that any wreck is released or is in the possession of some person who is not the owner thereof or that any wreck is otherwise improperly dealt with, he may apply to the nearest Judicial Magistrate of the first class for a search warrant and such Magistrate shall have power to grant the warrant and the receiver of wreck by virtue thereof may enter any house or other place wherever situate and also any ship and search for, seize and detain any such wreck found thereof.

Measures to facilitate removal of wrecks.

242. (*1*) When it is determined that the wreck constitutes a hazard, the receiver of wreck shall give the detailed information of the hazard to the Central Government, in such manner as may be prescribed.

(*2*) The Central Government, on receipt of information under sub-section (*1*) shall,—

(*a*) inform the Government of the State in which the ship is registered as well as the registered ship owner; and

(*b*) consult such State and any State affected by the wreck regarding measures to be taken in relation to such wreck.

(*3*) The registered ship owner or the operator of the ship shall remove such wreck which is determined to constitute a hazard:

Provided that where any dispute arises as to whether the wreck constitutes a hazard or not, the decision of the Central Government shall be final and binding on all parties.

(*4*) When a wreck is determined to constitute a hazard, the registered ship owner or any interested person shall provide to the Central Government or the receiver of wreck with the evidence of insurance or other financial security maintained by him in accordance with the provisions of this Act.

(*5*) The receiver of wreck or ship owner or operator of the ship shall submit a plan for removal of wreck to the Central Government.

(*6*) The Central Government shall approve or disapprove or approve with certain modifications, the plan submitted before it under sub-section (*5*) and having regard to the nature of the hazard, specify on a case to case basis, the time within which the ship owner or operator shall remove the wreck.

(*7*) If the ship owner or operator do not remove the wreck within the time specified under sub-section (*6*), the Central Government may, at the expense of such ship owner or operator, remove the wreck by the most practical and expeditious means available, consistent with considerations of safety and protection of the marine environment and the wreck or any sale proceeds derived from such wreck shall become the property of the Central Government.

(*8*) Where immediate action is required and the receiver of wreck has informed the ship owner or the operator accordingly, he may, at the expense of such ship owner or operator, remove the wreck by the most practical and expeditious means available, consistent with considerations of safety and protection of the marine environment.

(*9*) Where any measure taken under this section is construed to be salvage, the provisions of Chapter II of this Part relating to salvage shall apply.

Liability of ship owner.

243. (*1*) The registered ship owner shall be liable for the costs of locating, marking and removing the wreck under this Chapter unless he proves that the maritime casualty which caused the wreck—

(*a*) resulted from an act of war, hostilities, civil war, insurrection, or a natural phenomenon of an exceptional, inevitable and irresistible character; or

(*b*) was wholly caused by act or omission done with an intent to cause damage by a third party; or

(*c*) was wholly caused by the negligence or other wrongful act of any Government or other authority responsible for the maintenance of lights or other navigational aids in the exercise of that function.

(*2*) Nothing contained in this Chapter shall—

(*a*) affect the right of the registered ship owner to limit his liability in accordance with the provisions of section 162; or

(*b*) prejudice any right of recourse available to the registered ship owner against third parties.

(*3*) Notwithstanding anything contained in this section, the registered ship owner shall not be liable for any cost, if, and to the extent that liability or such costs is in conflict with—

(*a*) any other provisions of this Act;

(*b*) the provisions of the Civil Liability for Nuclear Damage Act, 2010; or 38 of 2010.

(*c*) any other international legal instrument to which India is a party.

Maintenance of insurance or other financial security.

244. (*1*) Every registered owner of an Indian vessel of gross tonnage of three hundred and above shall, for the purposes of covering his liability under this Chapter, be required to maintain compulsory insurance coverage or such other financial security, as may be prescribed.

(*2*) Every ship owner or operator of a ship other than an Indian vessel of gross tonnage of three hundred and above, while it is in the area to which this Chapter applies, shall maintain insurance coverage or other financial security to cover his liability under the Convention and shall carry onboard a certificate to that effect.

(*3*) The certificate referred to in sub-section (*2*) shall, in case the ship is,—

(*a*) registered in India, be granted by the authority;

(*b*) registered in a Convention State other than India, be granted by or under the authority of the Government of that State; and

(*c*) registered in a State which is not a Convention State, be granted or certified by the appropriate authority authorised by any Convention State.

(*4*) Any ship which contravenes the provisions of sub-section (*2*), shall be liable to be detained by the authority.

(*5*) Any claim for costs arising under this Chapter may be brought directly against the insurer or other person providing financial security for the registered ship owner's liability and in such a case, the insurer or such person may invoke defences (other than bankruptcy or winding up of the company) which the registered ship owner would have been entitled to invoke, including limitation of liability as provided under this Act:

Provided that where the registered ship owner is not entitled to limitation of liability under this Act, the insurer or such person may limit liability to an amount equal to the amount of the insurance or other financial security required to be maintained under sub-section (*1*):

Provided further that the insurer or such person may invoke the defence that the maritime casualty resulted from the wilful misconduct of the registered ship owner but shall not invoke any other defence which such insurer or person might have been entitled to invoke in proceedings brought by the registered ship owner against such insurer or person:

Provided also that the insurer or such person shall have the right to require the registered ship owner to be joined in such proceedings.

Claims of ship owners to wreck.

245. (*1*) The owner of any wreck in the possession of the receiver, upon establishing his claim to the satisfaction of the receiver within one year from the time at which the wreck came into the possession of the receiver shall, upon paying the salvage and other charges, be entitled to have the wreck or the proceeds thereof delivered to him.

(*2*) Where any articles belonging to or forming part of a ship other than an Indian vessel which is wrecked or belonging to and forming part of the cargo of such ship, are found in any area to which this Chapter applies or are brought into any port in India, the ambassador of the State in which the ship is registered or, in the case of cargo, the State to which the owners of the cargo may have belonged shall, in the absence of the owner and of the master or other agent of the owner, be deemed to be the agent of the owner, with respect to the custody and disposal of the articles.

(*3*) Where the owner of the wreck does not appear and claim the balance of the proceeds of sale within one year from the date of sale, the said balance shall become the property of the Central Government.

Extinguishment of right to claim recovery of costs.

246. Any claim for recovery of costs for locating and marking of the ship under this Chapter shall be made within a period of three years from the date of determination of the hazard and six years from the date the maritime casualty resulted in the wreck:

Provided that where the maritime casualty consists of a series of occurrences, the six years period shall be reckoned from the date of the first occurrence.

CHAPTER II

SALVAGE

Application of this Chapter.

247. (*1*) This Chapter shall apply to—

(*a*) salvage operations within the territory of India including the coastal waters; and

(*b*) judicial or arbitral proceedings relating to salvage operations in respect of a vessel or any other property which are instituted in India.

(*2*) This Chapter shall not apply to—

(*i*) the fixed or floating platforms or mobile offshore drilling units when such platforms or units are on location engaged in the exploration, exploitation or production of seabed mineral resources;

(*ii*) warships or other non-commercial vessels owned or operated by the Government which are entitled, at the time of salvage operations, to sovereign immunity;

(*iii*) such vessels as the Central Government may, by notification, specify.

(*3*) This Chapter shall apply, notwithstanding that the vessel undertaking the salvage operations belong to the same owner of the vessel being salvaged.

Definitions.

248. In this Chapter, unless the context otherwise requires,—

(*a*) "damage to the environment" means substantial physical damage to human health or to marine life or resources in coastal or inland waters or areas adjacent thereto caused by pollution, contamination, fire, explosion or similar major incidents;

(*b*) "payment" means any reward, remuneration or compensation due under the Salvage Convention;

(*c*) "property" means any property not permanently and intentionally attached to the shoreline and includes freight at risk;

(*d*) "vessel" means any ship or craft, or any structure capable of navigation.

Salvage payable for saving life, cargo or wreck.

249. (*1*) Where services are rendered by any master or salvor or any person other than the authority notified by the Central Government,—

(*a*) wholly or in part within the territorial waters of India in saving life from any vessel, or elsewhere in saving life from a vessel registered in India; or

(*b*) in assisting a vessel or saving the cargo or equipment of a vessel which is wrecked, stranded or in distress at any place to which this Chapter applies; or

(*c*) in saving any wreck,

there shall be payable to such master or salvor or person by the owner of the vessel, cargo, equipment or wreck, a reasonable sum for salvage having regard to all the circumstances of the case.

(*2*) A master or person or salvor rendering salvage under clause (*a*) of sub-section (*1*) shall be entitled to a fair share of the payment for the salvage of the vessel or other property or preventing or minimising damage to the environment.

(*3*) Salvage in respect of the preservation of life when payable by the owner of the vessel shall be payable in priority to all other claims for salvage.

Salvage operations controlled by Government or port and public authorities.

250. Where salvage operations are rendered by or on behalf of the Government or by a vessel of the Indian Navy or of the Coast Guard or the commander or crew of any such vessel or the port authorities or any public authority, the Government or other authority acting on its behalf shall be entitled to salvage and payment for such services as provided under this Chapter and shall have the same rights and remedies in respect of those services as any other salvor.

Salvage contracts.

251. (*1*) The owner of a vessel or the master on behalf of the owner shall conclude contracts with salvors to undertake necessary and adequate salvage operations in compliance with the provisions of this Chapter.

(*2*) The master or the owner of the vessel shall have the authority to conclude such contracts on behalf of the owner of the property onboard the vessel.

Duties of salvor, owner and master.

252. (*1*) The salvor shall have the following duties towards the owner of the vessel or other property in danger, namely:—

(*a*) to carry out the salvage operations with due care;

(*b*) to exercise due care to prevent or minimise damage to the environment during salvage operations;

(*c*) to seek assistance from other salvors including port authorities or public authorities when circumstances so require;

(*d*) to coordinate with the Director-General and act in compliance with the instructions issued by him; and

(*e*) to accept the intervention of other salvors when reasonably requested to do so by the owner or master of the vessel or other property in danger:

Provided that if it is found that such a request was unreasonable, it shall not prejudice the amount of reward of such salvor.

(*2*) The owner or master of the vessel or the owner of other property which is in danger shall have the following duties towards the salvor, namely:—

(*a*) to cooperate with the salvor during the course of the salvage operations;

(*b*) to exercise due care to prevent or minimise damage to the environment during the salvage operations;

(*c*) when the vessel or other property is brought to a place of safety, to accept redelivery when reasonably requested by the salvor; and

(*d*) to provide satisfactory security for the claim, including interest and costs of the salvor for the salvage operations, at the request of the salvor.

Rights of salvors.

253. (*1*) A salvor shall have a right to payment for the services rendered by him relating to salvage operations:

Provided that no such payment shall be made where there is express and reasonable prohibition from rendering any such service by the owner or master of vessel or owner of any other property in danger which is not and has not been onboard the vessel.

(*2*) The criteria for claiming rewards, manner of fixing rewards, payment of special compensation under Article 14 of the Salvage Convention, apportionment of payment amongst salvors, salvage of persons, payment under the contract, payment for additional services not covered under the contract and effect of misconduct of salvors on reward or payment under this Chapter shall be such as may be prescribed.

(*3*) The salvor shall have right to enforce his maritime lien against the ship owner or master of vessel or owner of any other property in danger when satisfactory security for his claim, including interest and costs, is not provided by such ship owner or master or owner.

Powers and duties of Central Government in relation to salvage operations.

254. (*1*) The Central Government shall take such measures as may be necessary to protect its coastline or related interests from pollution or threat of pollution arising out of a maritime casualty or acts relating to such casualty which may result in major harmful consequences.

(*2*) The Central Government may give such directions as it deems fit to the ship owner or the master or the salvor or a port authority or a public authority or any other person in relation to salvage operations.

(*3*) The Central Government may, for the purposes of efficient and effective salvage operations, saving life or property in danger and preventing damage to the environment, seek cooperation from the concerned ship owner or the master or the salvor or a port authority or a public authority or any other person, to give assistance to vessel in need, to admit to ports of vessel in distress or in need of assistance and to give facilities to salvors.

(*4*) The circumstances under which the salvage operation shall be exercised by the Central Government shall be such as may be prescribed.

Retention of salvors.

255. The Central Government may, for the purposes of this Chapter, notify a list of salvors having such qualifications and experience and subject to such terms and conditions as may be prescribed.

Disputes between ship owner and salvor.

256. The ship owner and salvor may, for the redressal of grievances relating to this Part, approach the Director-General who shall assist the parties in an independent and impartial manner to enable an amicable settlement in accordance with such procedure as may be prescribed.

Adjudication of disputes between ship owner and salvor.

257. (*1*) Either party to the salvage contract shall prefer an arbitration for a dispute that is not resolved by the Director-General under section 256:

Provided that where the salvage contract does not provide for the resolution of disputes by arbitration, the disputes shall be adjudicated in accordance with the salvage contract.

(*2*) Any person aggrieved by the arbitral award may appeal to the concerned High Court in accordance with the applicable law.

(*3*) Any dispute involving more than one claimant to the salvage amount shall be decided by the High Court.

(*4*) The High Court may, by interim order, direct that the salvor shall be paid such amount as may appear to it to be fair and just.

Extinguishment of claims.

258. Any action relating to payment under this Chapter shall extinguish if no action for such claim is made within a period of two years from the date of completion of salvage operations.

Savings.

259. Nothing in this Part shall,—

(*a*) affect any treaty or arrangement with any foreign State to which India is a party with reference to the disposal of the proceeds of wrecks on their respective coasts; or

(*b*) entitle any person to salvage under this Act in respect of any property recovered by creeping or sweeping in contravention of the Indian Ports Act, 1908. 15 of 1908.

Power to make rules.

260. (*1*) The Central Government may make rules to carry out the provisions of this Part.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the other criteria to determine whether a wreck constitute a hazard or not under clause (*q*) of section 237;

(*b*) the manner of marking wreck under clause (*a*) of sub-section (*1*) of section 238;

(*c*) the manner of giving detailed information of the hazard to the Central Government under sub-section (*1*) of section 242;

(*d*) the other financial security under sub-section (*1*) of section 244;

(*e*) the criteria for claiming rewards, manner of fixing rewards, payment of special compensation, apportionment of payment and the effect of misconduct of salvors on reward or payment under sub-section (*2*) of section 253;

(*f*) the circumstances in which salvage operation shall be exercised by the Central Government under sub-section (*4*) of section 254;

(*g*) the qualification, experience and the terms and conditions subject to which salvors shall be notified under section 255;

(*h*) the procedure in accordance with which the Director-General shall settle the dispute under section 256;

(*i*) any other matter which is required to be or may be prescribed.

PART XIII

SAILING, FISHING AND OTHER VESSELS

Application of this Part.

261. Save as otherwise provided, nothing contained in this Act, except the provisions of this Part, Part I, Part II, Part III, Part XI and Part XIV, shall apply to vessels of the following description, namely:—

(*a*) sailing vessel;

(*b*) fishing vessel;

(*c*) vessel whose net tonnage is less than fifteen and is engaged solely in the coasting trade of India:

Provided that the Central Government may, by notification, direct that any other provisions of this Act shall also apply to such vessels subject to such conditions, exceptions and modifications as may be specified in that notification.

Explanation.—For the purposes of this section, "coasting trade of India" means,—

(*i*) the carriage by sea of goods or passengers or both from any port or place in India to any other port or place in India; or

(*ii*) performing any service within the waters in the jurisdiction of India, including any part of the adjoining maritime zones of India within the meaning of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976, or any other law for the time being in force or any port or place, including inland ports, as the Central Government may, by notification, specify in this behalf.

80 of 1976.

Definitions.

262. In this Part, unless the context otherwise requires,—

(*a*) "C-188 Convention" means the C-188-Work in Fishing Convention adopted by the International Labour Conference of the International Labour Organisation and signed in Geneva on the 14th day of June, 2007;

(*b*) "Indian fishing vessel" means a fishing vessel registered as an Indian vessel under section 15;

(*c*) "skipper" means the person having the command of a fishing vessel;

(*d*) "Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel Convention" means International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995, signed in London on the 7th day of July,1995.

Decision of question whether a vessel falls under this Part.

263. (*1*) If any question arises as to whether a vessel falls under this Part, it shall be decided by the Director-General and his decision thereon shall be final.

(*2*) Where the question under sub-section (*1*) relate to a fishing vessel, the decision shall be made in such manner as may be prescribed.

Requirements for safety, security, prevention of pollution and insurance.

264. (*1*) Every vessel covered under this Part shall be manned and carry onboard such fittings, material, appliances and apparatus, for safety, security and prevention of pollution, as may be prescribed:

Provided that in case of fishing vessels, such rules shall take into consideration the provisions of such international conventions and standards or parts thereof, as may be deemed necessary by the Central Government, including the Cape Town Agreement and C-188 Convention.

(*2*) Every owner of a vessel to which this Part applies, shall provide such policy of insurance as may be prescribed, for all persons employed as members of the crew of such vessel, against death or personal injury caused by accident arising in the course of their employment, for an amount which shall not be less than the amount specified by the Central Government.

(*3*) No vessel shall ply or proceed to sea unless it complies with the provisions of this section.

Explanation.—For the purposes of this section, "Cape Town Agreement" means the Cape Town Agreement of 2012 on the Implementation of the Provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 signed in Cape Town on the 11th day of October, 2012.

Manning of fishing vessels.

265. (*1*) The Central Government may make rules to provide for the following matters, taking into consideration the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel Convention as may be deemed necessary, namely:—

(*a*) the manning scale of every Indian fishing vessel and different manning scales for different categories of Indian fishing vessels, areas and types of fishing operations;

(*b*) the grade of certification to be held by every fisher appropriate to his station, serving onboard an Indian fishing vessel.

(*2*) Subject to such conditions and restrictions as may be prescribed, an Indian national with certificate of competency granted under the law for the time being in force of another State or foreign national with certificate of competency granted under this Act or another State, may serve on an Indian fishing vessel.

(*3*) Subject to the provisions of the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel Convention, as applicable, every fishing vessel, whether at sea or in any port or place, shall be manned by such number of persons with such qualifications and such other requirements as may be prescribed.

Central Government to grant certificate of proficiency.

266. (*1*) The Central Government shall, subject to the provisions of the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel Convention, grant certificate of competency or certificate of proficiency for such different grades of fishers with such requirements and in such manner as may be prescribed.

(*2*) No certificate of competency or certificate of proficiency shall be granted under sub-section (*1*), unless the fisher fulfils the qualifications and other requirements referred to in sub-section (*3*) of section 265.

(*3*) Notwithstanding anything contained in sub-sections (*1*) and (*2*), the Central Government may grant such other certificate of competency or certificate of proficiency with such requirements and in such manner as may be prescribed.

(*4*) A certificate of competency or certificate of proficiency shall be granted in such form, on payment of such fee and be valid for such period, as may be prescribed.

Training for grant of certificate of competency and certificate of proficiency.

267. (*1*) The Director-General shall administer, supervise and monitor all activities relating to training and assessment for the grant of certificate of competency or certificate of proficiency under this Part.

(*2*) The Director-General shall approve the training institute, training course and method of conduct of such training for the grant of certificate of competency or certificate of proficiency in accordance with such criteria as may be prescribed.

Examination for grant of certificate.

268. (*1*) The Director-General or a person duly authorised by the Director-General in this behalf shall appoint such person or persons for the purpose of examining the persons desirous of obtaining certificate of competency or certificate of proficiency.

(*2*) No certificate referred to in sub-section (*1*) may be granted to any applicant, unless such applicant is duly reported by the examiner to have satisfactorily passed the examination.

(*3*) Subject to the provisions of the Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel Convention, the form and manner of conduct of examination for the purposes of grant of certificate of competency or certificate of proficiency and the fee payable therefor, shall be such as may be prescribed.

Withdrawal, suspension or cancellation of certificate.

269. Where it appears to the Central Government that a person holding certificate of competency or certificate of proficiency has obtained it on the basis of false or erroneous information, or is guilty of misconduct, or on receipt of any report of incompetency, or any act of omission or commission or compromise to safety, security or prevention of pollution by the person holding such certificate which may threaten or pose a threat to life or property or environment, it may, after due investigation, by order, withdraw, suspend or cancel such certificate:

Provided that no order shall be passed under this section without giving to the holder of such certificate a reasonable opportunity of being heard.

Production of certificate.

270. The owner, master, tindal or skipper of every vessel shall, on demand, produce to the proper officer the certificate of competency or certificate of proficiency or any other certificate specified under this Act or the rules made thereunder.

Agreements in respect of fishing vessel.

271. Subject to the provisions of C-188 Convention, as the Central Government may deem necessary,—

(*a*) the owner or his agent or skipper of an Indian fishing vessel shall enter into an agreement in such form and manner as may be prescribed, with every fisher whom he engages to man the vessel and shall submit a copy thereof to the person or authority as may be notified by the Central Government;

(*b*) a fisher's right to wages and provisions shall begin either at the time he commences work or at the time specified in the agreement or presence onboard, whichever is earliest;

(*c*) a fisher engaged under this section shall not,—

(*i*) by any agreement forfeit his lien on the fishing vessel; or

(*ii*) be deprived of any remedy for the recovery of his wages to which, in the absence of the agreement, he shall be entitled; or

(*iii*) by any agreement abandon his right to wages in case of the loss of the fishing vessel; or

(*iv*) abandon any right that he may have or obtain in the nature of salvage,

and every agreement inconsistent with the provisions of this Act shall be void.

Fishery data to be furnished by Indian fishing vessels.

272. The Central Government may, by notification, require every Indian fishing vessel or any specified class of Indian fishing vessels to furnish fishery data to the Registrar in such form and at such periodical intervals as may be specified in that notification.

Vessel not to proceed without valid certificates.

273. (*1*) No vessel shall ply or proceed to sea unless it is in possession of such certificates granted under this Part in such manner and for such period as may be prescribed.

(*2*) Every certificate shall be granted in such manner and shall be in force for such period as may be prescribed:

Provided that where a vessel is not at a port at the time of expiry of the certificate, the owner, master, tindal or skipper of that vessel shall notify the Central Government of such expiry, and the certificate shall continue to be valid until her first arrival at the next port after the expiry of such period.

Power of Central Government to initiate action against non-mechanically propelled vessels.

274. Where it appears to the Central Government that any non-mechanically propelled vessel does not have valid certificates required under this Act, it may, after giving a reasonable opportunity of being heard to the owner, master or charterer, take appropriate action including suspension or cancellation of registration of such vessel under this Act.

Statement relating to crew of vessels to be maintained.

275. (*1*) Every owner, master or tindal or skipper of a vessel shall maintain or cause to be maintained a statement of the crew of the vessel containing the following particulars with respect to each member thereof in such form as may be prescribed, namely:—

(*a*) his name;

(*b*) the details of the agreement with him under section 271;

(*c*) the wages payable to him;

(*d*) the names and addresses of his next-of-kin;

(*e*) the date of commencement of his employment; and

(*f*) such other particulars as may be prescribed.

(*2*) Every change in the crew of the vessel shall be entered in the statement under sub-section (*1*).

(*3*) A copy of such statement and of every change entered therein shall be communicated as soon as possible to the shipping master.

Inquiry to jettisoning of cargo.

276. (*1*) If any owner, master or tindal or skipper of a vessel in the course of the voyage, has jettisoned or claims to have jettisoned the whole or any part of the cargo of the vessel on account of abnormal weather conditions or for any other reason, he shall immediately after arrival of the vessel at any port or place in India, give notice of such jettisoning to the proper officer and such notice shall contain full particulars of the cargo jettisoned and the circumstances under which such jettisoning took place.

(*2*) Where the proper officer receives the notice under sub-section (*1*), he shall forthwith report in writing to the Central Government and may proceed to make an inquiry into the matter.

Detention of vessel by proper officer.

277. (*1*) Any vessel attempting to ply or proceed to sea without free board markings or any vessel which is so loaded as to submerge such markings or carrying persons in excess of the certified capacity may be detained by a proper officer until the vessel complies with the requirements of this Act.

(*2*) Save as otherwise provided, for the purposes of this Part, a proper officer may, at any reasonable time, go onboard a vessel and may inspect or audit the vessel and any part thereof, the structure, equipment, fittings, arrangements, materials, systems, scantlings, cargo, provisions, stores, her certificates and certificates of the crew onboard:

Provided that the proper officer shall not unreasonably hinder the operation of the vessel or unreasonably detain or delay her from proceeding on any voyage.

(*3*) The owner, agent, master or every officer of the vessel shall afford to the proper officer all reasonable facilities for a survey or audit and provide all such information in respect of the vessel and her structure, equipment, fittings, arrangements, materials, scantlings, systems, cargo, provisions, stores, her certificates, and certificates of the crew, as the proper officer may reasonably require.

Detention of unseaworthy vessels.

278. (*1*) If any vessel under this Part arrives in or proceeds from a port or place in India in an unseaworthy condition or which is likely to pose a threat to the security on Indian coasts or offshore installations, the vessel may be detained until the owner, master or tindal or skipper takes all reasonable measures to ensure the seaworthiness of the vessel.

(*2*) Nothing contained in sub-section (*1*) shall affect the liability of the person in charge of the vessel in respect of such unseaworthiness or threat to the security on Indian coasts or offshore installations under any other provisions of this Act.

Power to exempt.

279. (*1*) Notwithstanding anything contained in this Part, the Central Government may, by order in writing and upon such conditions, if any, as it may think fit to impose, exempt any vessel or tindal, skipper or member of crew of such vessel or any class thereof, from any specified requirement contained in or prescribed in pursuance of this Act or dispense with the observance of any such requirement in the case of any vessel or tindal, skipper or member of crew of such vessel or any class thereof, if it is satisfied that the requirement is substantially complied with or that compliance with the requirement is or ought to be dispensed with in the circumstances of the case.

(*2*) Where an exemption is granted under sub-section (*1*) subject to any condition, a breach of any such condition shall, without prejudice to any other remedy, be liable to penalty under this Act.

Power to make rules.

280. (*1*) The Central Government may make rules to carry out the provisions of this Part.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the manner of deciding whether a vessel falls under Part XIII under sub-section (*2*) of section 263;

(*b*) the scale of manning and fittings, material, appliances and apparatus to be carried onboard by vessel under sub-section (*1*) of section 264;

(*c*) policy of insurance for all persons employed as members of the crew under sub-section (*2*) of section 264;

(*d*) the conditions and restrictions for serving on an Indian fishing vessel under sub-section (*2*) and number of persons for manning fishing vessels and their qualifications and other requirements, under sub-section (*3*), of section 265;

(*e*) the different grades of fishers, requirements and manner of grant of certificate under sub-section (*1*) of section 266;

(*f*) other certificates with requirements and the manner of its grant under sub-section (*3*), and the form, fee and validity of such certificates under sub-section (*4*), of section 266;

(*g*) the criteria for approving training institute, training courses and method of conduct of such training for the grant of certificate of competency or certificate of proficiency under sub-section (*2*) of section 267;

(*h*) the form and manner and fee payable for conduct of examination under sub-section (*3*) of section 268;

(*i*) the form and manner of agreement with fisher under clause (*a*) of section 271;

(*j*) the certificates required to ply or proceed to sea by a vessel under sub-section (*1*) of section 273;

(*k*) the manner of grant of certificate and the period of such certificate under sub-section (*2*) of section 273;

(*l*) the form for maintaining a statement of the crew of the vessel and other particulars under sub-section (*1*) of section 275;

(*m*) any other matter which is required to be or may be prescribed.

PART XIV

PENALTIES AND PROCEDURES

Offences and penalties.

281. (*1*) Any person who contravenes any provision of this Act or any rule or notification made or issued thereunder or fails to comply with any provision thereof which it was his duty to comply with, shall be liable to penalty or be guilty of an offence under this Act and if in respect of any such contravention or offence no penalty or punishment is specially provided, he shall be liable to penalty which may extend to fifty thousand rupees.

(*2*) The contraventions mentioned in column (2) of the table below, shall be liable to the extent of penalty mentioned in column (4) of the said table, with reference to such contraventions, respectively.

Table

Serial No.	Contravention	Section	Penalties
(1)	(2)	(3)	(4)
1.	If the Indian charterer fails to comply with the conditions prescribed under section 16.	16	Penalty which may extend to two lakh rupees.
2.	If the owner of an Indian vessel fails to register a vessel under sub-section (*1*) of section 20.	20(*1*)	Penalty which may extend to fifty thousand rupees.
3.	If a person fails to deliver the certificate of registration to the Registrar or person entitled as required under sub-section (*2*) of section 22.	22(*2*)	Penalty which may extend to fifty thousand rupees.
4.	If any person transfers a registered mortgage in contravention of sub-section (*1*) of section 30.	30(*1*)	Penalty which may extend to one lakh rupees.
5.	If an owner fails to make an application for re-registration of a vessel or for registering an alteration of a vessel under section 33.	33	Penalty which may extend to fifty thousand rupees and in addition, a penalty which may extend to two thousand rupees for every day during which the contravention continues.
6.	If any person fails to hoist the proper national colours except those declared under sub-section (*2*) of section 37, onboard the Indian vessel.	37(*2*)	Penalty which may extend to two lakh rupees.
7.	If any person conducts training course in contravention of sub-section (*2*) of section 47.	47(*2*)	Penalty which may extend to twenty lakh rupees.
8.	If any person obstructs authorised person to inspect any maritime training institute under sub-section (*3*) of section 47.	47(*3*)	Penalty which may extend to two lakh rupees.
9.	If the master of any vessel fails to produce the certificates under sub-section (*1*) of section 49.	49(*1*)	Penalty which may extend to fifty thousand rupees and in addition, a penalty which may extend to five thousand rupees for every day during which the contravention continues.

10. If any person causes a vessel to proceed to sea in contravention of sub-section (*3*) of section 57.	57(*3*)	Penalty which may extend to two lakh rupees.
11. If any person engages or employs a person below the age of sixteen years in contravention of section 59.	59	Penalty which may extend to two lakh rupees for every seafarer engaged in the contravention.
12. If any person engages or carries to sea any seafarer in contravention of section 60.	60	Penalty which may extend to fifty thousand rupees for every seafarer engaged in the contravention.
13. If any person engages or carries to sea a seafarer in contravention of sub-section (*1*) of section 61.	61(*1*)	Penalty which may extend to two lakh rupees, for every seafarer engaged in the contravention.
14. If any person engages a seafarer in contravention of sub-section (*1*) of section 62.	62(*1*)	Penalty which may extend to three lakh rupees for every seafarer.
15. If any person engages a seafarer in contravention of clause (*b*) of sub-section (*2*) of section 62.	62(*2*)(*b*)	Penalty which may extend to two lakh rupees, for every seafarer engaged in the contravention.
16. If any person discriminates between seafarers in contravention of clause (*d*) of sub-section (*2*) of section 62.	62(*2*)(*d*)	Penalty which may extend to two lakh rupees for every seafarer.
17. If any ship owner, master or his agent engages any person to serve as seafarer in contravention of sub-section (*3*) of section 62.	62(*3*)	Penalty which may extend to two lakh rupees.
18. If any recruitment and placement service agency contravene clause (*a*) or clause (*b*) or clause (*c*) or clause (*d*) of sub-section (*6*) of section 62.	62(*6*)(*a*), (*b*), (*c*) and (*d*)	Penalty which may extend to fifteen lakh rupees.
19. If any recruitment and placement service agency contravene clause (*e*) or clause (*f*) of sub-section (*6*) of section 62.	62(*6*)(*e*) and (*f*)	Penalty which may extend to five lakh rupees.
20. If any master or ship owner or recruitment and placement service agency fails to enter into a seafarer employment agreement in contravention of sub-section (*1*) of section 63.	63(*1*)	Penalty which may extend to fifty thousand rupees for every seafarer.
21. If a master or ship owner of an Indian vessel fails to discharge a seafarer in contravention of sub-section (*2*) of section 80.	80(*2*)	Penalty which may extend to one lakh rupees.
22. If any master discharges a seafarer before the expiration of the period for which he was engaged or leaves a seafarer behind in contravention of sub-section (*5*) of section 80.	80(*5*)	Penalty which may extend to fifty thousand rupees.

23.	If a master fails to make an entry in the official logbook with respect to a seafarer who is left behind or lost overboard or is deceased, or fails to take charge of his property or fails to discharge such property in contravention of section 81.	81	Penalty which may extend to three times the value of the property not accounted for or if such value is not ascertained, to twenty thousand rupees.
24.	If any master or ship owner, or his agent or seafarer fails to produce any logbooks, papers or other documents in any proceedings before a shipping master or fails to attend such proceedings in contravention of section 84.	84	Penalty which may extend to five lakh rupees.
25.	If any person commits a breach of any term of an award which is binding on him under sub-section (*8*) of section 89.	89(*8*)	Penalty which may extend to two lakh rupees.
26.	If any seafarer or class of seafarers or union of seafarers goes or remain on strike in contravention of clause (*a*) of sub-section (*14*) of section 89.	89(*14*)(*a*)	Penalty which may extend to fifty thousand rupees.
27.	If any ship owner alters the conditions of service or discharges or punishes a seafarer in contravention of clause (*b*) of sub-section (*14*) of section 89.	89(*14*)(*b*)	Penalty which may extend to fifty thousand rupees.
28.	If any person obstructs the shipping master or surveyor, seafarer welfare officer or Indian ambassador or any other authorised officer from entering or inspecting a vessel under sub-section (*1*) of section 93.	93(*1*)	Penalty which may extend to fifty thousand rupees unless he can prove that the obstruction was caused without his knowledge or connivance.
29.	If the master or owner of a vessel fails to be in possession of the certificates specified in sub-section (*2*) or sub-section (*3*) of section 93.	93(*2*), (*3*)	Penalty which may extend to fifty thousand rupees unless he proves that the non-compliance was not caused by his inattention, neglect or wilful default.
30.	If a master without reasonable cause fails to facilitate a seafarer to make a complaint under section 95.	95	Penalty which may extend to fifty thousand rupees.
31.	If a person goes onboard a vessel in contravention of section 96.	96	Penalty which may extend to fifty thousand rupees.
32.	If a seafarer deserts his vessel in contravention of clause (*a*) of sub-section (*1*) of section 98.	98(*1*)(*a*)	He shall be liable to forfeit all or any part of the property he leaves onboard and of the wages he has then earned and also if the desertion takes place at any place

		outside India, to forfeit all or any part of the wages which he may earn in any other vessel in which he may be employed until his next return to India, and to satisfy any excess of wages paid by the master or owner of the vessel from which he deserts to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him.
33. If a seafarer neglects or refuses, without reasonable cause, to join the vessel or does not proceed to sea in his vessel or is absent without leave in contravention of clause (*b*) of sub-section (*1*) of section 98.	98(*1*)(*b*)	He shall, if the contravention does not amount to desertion, be liable to forfeit out of his wages a sum not exceeding two days' pay and in addition for every twenty-four hours of absence either a sum not exceeding six days' pay or any expenses properly incurred in hiring a substitute.
34. If any seafarer quits the vessel without leave under clause (*a*) of sub-section (*1*) of section 99.	99(*1*)(*a*)	Forfeiture out of his wages of a sum not exceeding one month's pay.
35. If any seafarer fails to attend his vessel under clause (*b*) of sub-section (*1*) of section 99.	99(*1*)(*b*)	Penalty which may extend to one lakh rupees but nothing herein shall take away or limit any other remedy which any person would otherwise have for breach of contract or refund of money advanced or otherwise.
36. If any seafarer wilfully disobeys any lawful command under clause (*c*) of sub-section (*1*) of section 99.	99(*1*)(*c*)	Forfeiture out of his wages of a sum not exceeding two days' pay.
37. If any master fails to report desertion and absence without leave in contravention of section 102.	102	Penalty which may extend to one lakh rupees.
38. If any person persuades or attempts to persuade a seafarer to neglect or refuse to join or proceed to the vessel or deserts his vessel, in contravention of clause (*a*) of section 108.	108(*a*)	Penalty which may extend to two lakh rupees.
39. If any person harbours or secretes a seafarer who has wilfully neglected or refused to join or has deserted his vessel, in contravention of clause (*b*) of section 108.	108(*b*)	Penalty which may extend to two lakh rupees.
40. If any person secretes himself and goes to sea in contravention of section 109.	109	Penalty which may extend to two lakh rupees.

41. If a master fails to deliver documents relating to the navigation of the vessel to his successor in contravention of sub-section (*1*) of section 110.	110(*1*)	Penalty which may extend to fifty thousand rupees.
42. If the owner or master of a vessel fails to comply with provisions of the international conventions, treaties or agreements in contravention of sub-section (*1*) of section 116.	116(*1*)	Penalty which may extend to fifteen lakh rupees and the vessel may also be detained.
43. If the master of a vessel fails to report the particulars of an incident in contravention of sub-section (*1*) of section 117.	117(*1*)	Penalty which may extend to fifty thousand rupees.
44. If the master of a vessel fails to report the particulars of an incident relating to the loss or likely loss overboard of dangerous goods in contravention of sub-section (*2*) of section 117.	117(*2*)	Penalty which may extend to two lakh rupees.
45. If any master or owner of an Indian vessel fails to comply with its communication requirements in contravention of section 120.	120	Penalty which may extend to fifteen lakh rupees and the vessel may also be detained.
46. If any master or owner of a vessel does not carry onboard the information required by section 121.	121	Penalty which may extend to one lakh rupees.
47. If the master or owner of the vessel causes a vessel to be loaded in contravention of sub-section (*1*) of section 122.	122(*1*)	Penalty which may extend to four lakh rupees and to such additional penalty not exceeding twenty-five thousand rupees for every inch or fraction of an inch by which the appropriate load lines on each side of the vessel are submerged or would have been submerged if the vessel had been in salt waters and had no list, as the principal officer thinks fit to impose, having regard to the extent to which the earning capacity of the vessel is or would have been increased by reason of the submersion.
48. If the owner, agent or master of a vessel carries passengers without certificates required under Part VI in contravention of sub-section (*1*) of section 123.	123(*1*)	Penalty which may extend to two lakh rupees.
49. If the owner, agent or master of a vessel carrying passengers fails to make a statement about the passengers onboard such vessel in contravention of sub-section (*3*) of section 123.	123(*3*)	Penalty which may extend to two lakh rupees.

50.	If the master or owner of a vessel causes a vessel to proceed to sea without valid certificates in contravention of section 124.	124	Penalty which may extend to fifteen lakh rupees and the vessel may also be detained.
51.	If a person commits misconduct specified in any of the clauses under sub-section (*1*) of section 125.	125(*1*)	Penalty which may extend to fifty thousand rupees.
52.	If any person carries or attempts to carry cargo without the required certificates in contravention of sub-section (*1*) of section 126.	126(*1*)	Penalty which may extend to five lakh rupees.
53.	If any person carries or attempts to carry passengers without the required certificates in contravention of sub-section (*2*) of section 126.	126(*2*)	Penalty which may extend to five lakh rupees.
54.	If any person or master sends or takes or attempts to send or take to sea unseaworthy vessel in contravention of sub-section (*1*) or sub-section (*2*) of section 127.	127(*1*), (*2*)	Penalty which may extend to two lakh rupees and ten lakh rupees for every repeat contravention and the vessel may also be detained.
55.	If the ship owner or master of a vessel or seafarer fails to take all reasonable means to ensure the seaworthiness of a vessel in contravention of sub-section (*1*) of section 128.	128(*1*)	Penalty which may extend to two lakh rupees and five lakh rupees for every repeat contravention.
56.	If any vessel, company or port facility fails to comply with the requirements for safety and security management in contravention of sub-section (*1*) of section 129.	129(*1*)	Penalty which may extend to twenty-five lakh rupees.
57.	If any owner or master of an Indian vessel causes polluting substance to be discharged anywhere into the sea or owner or master of a foreign vessel causes polluting substance to be discharged within the coastal waters in contravention of section 133, then—	133	
	(*a*) where such discharge is of harmful substances carried by sea in packaged form;	133	Penalty which may extend to ten lakh rupees and such security as may be considered necessary for securing any damages that may arise in future;
	(*b*) where such discharge is of sewage;	133	penalty which may extend to five lakh rupees and such security as may be considered necessary for securing any damages that may arise in future;
	(*c*) where the discharge is of ballast water and sediments;	133	penalty which may extend to five lakh rupees and such security as may be considered necessary for

		securing any damages that may arise in future;
(*d*) where the discharge is of any other polluting substances.	133	penalty which may extend to two lakh rupees and such security as may be considered necessary for securing any damages that may arise in future.
58. If the ship owner, master or any other person permits any vessel or port or platform or man-made structures at sea to engage in dumping in contravention of sub-section (*6*) of section 133.	133(*6*)	Penalty which may extend to two lakh rupees and such security as may be considered necessary for securing any damages that may arise in future.
59. If any vessel proceeds to sea without valid certificates in contravention of section 135.	135	Penalty which may extend to fifteen lakh rupees and the vessel may also be detained.
60. If the master of a vessel fails to maintain books of records in contravention of section 136.	136	Penalty which may extend to fifty thousand rupees.
61. If any master or owner of a vessel which is detained under sub-section (*3*) of section 137 causes such vessel to proceed to sea before its release in contravention of section 137.	137(*3*)	Penalty which may extend to one lakh rupees.
62. If the master of a vessel fails to report the particulars of an incident in contravention of sub-section (*1*) of section 138.	138(*1*)	Penalty which may extend to one lakh and fifty thousand rupees.
63. If any port authority or officer fails to comply with the directions issued by the Central Government under sub-section (*2*) of section 142.	142(*2*)	Penalty which may extend to ten lakh rupees.
64. If a master or person in-charge of a vessel fails to render assistance in case of collision in contravention of sub-section (*1*) of section 158.	158(*1*)	Penalty which may extend to five lakh rupees.
65. If a master fails to enter a statement in relation to a collision in the official logbook in contravention of section 159.	159	Penalty which may extend to fifty thousand rupees.
66. If the master or ship owner or his agent fails to transmit a report of the accident or damage to the Director-General or the nearest principal officer in contravention of section 160.	160	Penalty which may extend to one lakh rupees.
67. If the owner or agent of any Indian vessel fails, without reasonable cause, to give notice of loss of Indian vessel to the Director-General in contravention of section 161.	161	Penalty which may extend to one lakh rupees.

68. If any person fails to maintain compulsory insurance or other financial security for maritime claims in contravention of section 172.	172	Penalty which may extend to fifteen lakh rupees and the vessel may also be detained.
69. If any master or ship owner does not carry the certificate required under sub-section (*1*) or sub-section (*2*) of section 190.	190(*1*), (*2*)	Penalty which may extend to one lakh rupees.
70. If any master or ship owner does not carry the certificate required under sub-section (*1*) or sub-section (*2*) of section 207.	207(*1*), (*2*)	Penalty which may extend to fifteen lakh rupees.
71. If any person refuses or wilfully neglects to comply with a notice or makes any false statement in contravention of sub-section (*4*) of section 217.	217(*4*)	Penalty which may extend to one lakh rupees.
72. If the primary response party fails to engage in maritime emergency response under section 226.	226	Penalty which may extend to five lakh rupees and the vessel may also be detained.
73. If the owner or master of a vessel fails to conclude contracts with salvors under section 251.	251	Penalty which may extend to fifty thousand rupees.
74. If a salvor fails to perform his duties under sub-section (*1*) of section 252.	252(*1*)	Penalty which may extend to fifty thousand rupees.
75. If the owner or master of a vessel or the owner of other property fails to perform his duties under sub-section (*2*) of section 252.	252(*2*)	Penalty which may extend to fifty thousand rupees.
76. If the owner of a vessel fails to comply with the requirements for safety, security and prevention of pollution and insurance in contravention of section 264.	264	Penalty which may extend to one lakh rupees and the vessel may also be detained.
77. If any person fails to comply with the manning requirements under sub-section (*2*) of section 265.	265(*2*)	Penalty which may extend to one lakh rupees and the vessel may also be detained.
78. If the ship owner, master, tindal or skipper of a vessel fails to produce certificates of competency or proficiency or any other certificate in contravention of section 270.	270	Penalty which may extend to fifty thousand rupees.
79. If the owner or his agent or skipper of an Indian fishing vessel fails to enter into an agreement in contravention of clause (*a*) of section 271.	271(*a*)	Penalty which may extend to fifty thousand rupees.
80. If the ship owner or master permits a vessel to ply or proceed to sea without certificates in contravention of sub-section (*1*) of section 273.	273(*1*)	Penalty which may extend to one lakh rupees.

81. If the ship owner or master or tindal or skipper of a vessel fails to maintain or cause to be maintained a statement of crew in contravention of section 275.	275	Penalty which may extend to one lakh rupees.
82. If the ship owner or master or tindal or skipper of a vessel fails to provide notice of jettisoning of cargo in contravention of section 276.	276	Penalty which may extend to fifty thousand rupees.
83. If the ship owner or agent or master or officer of a vessel fails to provide all reasonable facilities to the proper officer for a survey or audit in contravention of sub-section (*3*) of section 277.	277(*3*)	Penalty which may extend to one lakh rupees.
84. If any person hinders or obstructs any officer or person in contravention of sub-section (*2*) of section 296.	296(*2*)	Penalty which may extend to fifty thousand rupees.
85. If any ship owner or master or tindal or skipper or seafarer or port or any person or authority breaches any condition subject to which any exemption is granted under sub-section (*2*) of section 300.	300(*2*)	Penalty which may extend to fifty thousand rupees.
86. If any ship owner or his agent or master or seafarer or tindal or maritime training institute or recruitment placement service provider or port or any person or body of persons fails to comply with the directions given under section 301.	301	Penalty which may extend to five lakh rupees.
87. If any owner or master of a vessel allows a vessel to fly with the flag of a State in contravention of sub-section (*1*) of section 304.	304(*1*)	Penalty which may extend to five lakh rupees and the vessel may also be detained.
88. If any person acts in contravention of control measures invoked by the principal officer under sub-section (*4*) of section 307.	307(*4*)	Penalty which may extend to ten lakh rupees.
89. If any port fails to discharge the obligations under the conventions in contravention of sub-section (*1*) of section 310.	310(*1*)	Penalty which may extend to five lakh rupees.
90. If any port authority or State Maritime Board or any other authority or agency fails to render services or assistance or take measures in respect of any abandoned vessel under sub-section (*1*) of section 311.	311(*1*)	Penalty which may extend to one lakh rupees.

91. If the registered owner of an Indian vessel fails to maintain compulsory adequate insurance coverage or such other financial security in contravention of section 314.	314	Penalty which may extend to seventy lakh rupees.
92. If any vessel is detained under the provisions of this Act for which no penalty is provided.	General	Penalty which may extend to fifteen lakh rupees.
93. If any person in the case of any declaration made in the presence of, or produced to, Registrar under Part III or in any document or other evidence produced to such Registrar—		
(*i*) wilfully makes or assists in making or procures to be made, any false statement concerning the title to or ownership of or the interest existing in any vessel or any share in a vessel; or	General	Penalty which may extend to two lakh rupees.
(*ii*) utters, produces or makes use of any declaration or document containing any such false statement knowing the same to be false.		
94. If any person,—		
(*a*) forges or fraudulently alters any certificate of discharge or a certificate as to the work of a seafarer or a continuous discharge certificate or a copy of any such certificate; or	General	Penalty which may extend to two lakh rupees.
(*b*) fraudulently uses any certificate of discharge or a certificate as to the work of a seafarer or a continuous discharge certificate or a copy of any such certificate which is forged or altered or does not belong to him.		
95. If any person wilfully destroys or mutilates or renders illegible any entry in an official logbook or wilfully makes or procures to be made or assists in making a false or fraudulent entry in or omission from an official logbook.	General	Penalty which may extend to two lakh rupees.

96. If the master or owner or agent of a special trade passenger vessel, after having obtained any of the certificates referred to in Part VI, fraudulently does or suffers to be done anything whereby the certificate becomes inapplicable to the altered state of the vessel, or special trade passengers or other matters to which the certificate relates.	General	Penalty which may extend to one lakh rupees for the first contravention and five lakh rupees for every subsequent contravention.

(*3*) The offences mentioned in column (2) of the table below, shall be punishable to the extent mentioned in column (4) of the said table, with reference to such offences, respectively.

Table

Serial No.	Offences	Section to which offence is referred	Imprisonment or fine or both
(1)	(2)	(3)	(4)
1.	If any person causes a vessel to proceed to sea without a valid certificate of registration in contravention of section 15.	15	Imprisonment which may extend to six months, or fine which may extend to two lakh rupees, or both.
2.	If any person uses Indian national colour in contravention of sub-section (*4*) of section 37.	37(*4*)	Imprisonment which may extend to two years, or fine which may extend to two lakh rupees, or both.
3.	If an owner or a master of an Indian vessel knowingly conceals the Indian character of the vessel in contravention of section 38.	38	Imprisonment which may extend to two years, or fine which may extend to two lakh rupees, or both.
4.	If any person goes to sea without holding a certificate granted under the Act.	General	Imprisonment which may extend to six months, or fine which may extend to two lakh rupees, or both.
5.	If any person causes a vessel or sailing or fishing vessel to proceed to sea without the required certificated personnel.	General	Imprisonment which may extend to six months, or fine which may extend to two lakh rupees, or both.
6.	If any person carries on the business of recruitment and placement service agency in contravention of clause (*a*) of sub-section (*2*) of section 62.	62(*2*)(*a*)	Imprisonment which may extend to one year, or fine which may extend to five lakh rupees, or both.
7.	If any person demands or receives any remuneration from any seafarer or person in contravention of clause (*c*) of sub-section (*2*) of section 62.	62(*2*)(*c*)	Imprisonment which may extend to three months, or fine which may extend to five lakh rupees, or both.

8. If any seafarer does or refuses or omits to do anything in contravention of section 97.	97	Imprisonment which may extend to two years, or fine which may extend to five lakh rupees or both.
9. If any seafarer is guilty of an offence specified in clause (*d*) of sub-section (*1*) of section 99.	99(*1*)(*d*)	Imprisonment which may extend to one month and also for every twenty-four hours of continuance of such disobedience or neglect, forfeiture out of his wages of a sum not exceeding six days' pay or any expenses which may have been properly incurred in hiring a substitute.
10. If any seafarer is guilty of an offence specified in clause (*e*) of sub-section (*1*) of section 99.	99(*1*)(*e*)	Imprisonment which may extend to three months, or fine which may extend to fifty thousand rupees or both.
11. If any seafarer is guilty of an offence specified in clause (*f*) of sub-section (*1*) of section 99.	99(*1*)(*f*)	Forfeiture out of his wages of a sum equal to the loss sustained and also imprisonment which may extend to three months.
12. If a seafarer on or before being engaged wilfully and fraudulently makes a false statement of the name of his last vessel or alleged last vessel or wilfully and fraudulently makes a false statement of his own name.	General	Fine which may extend to fifty thousand rupees.
13. If any owner or master of an Indian vessel causes polluting substance to be discharged anywhere into the sea or owner or master of a foreign vessel causes polluting substance to be discharged within the coastal waters in contravention of section 133, then—	133	
(*a*) where the discharge is of oil and oily mixtures from vessels;	133	Fine which may extend to twenty-five lakh rupees, or imprisonment for a term which may extend to one year, or both, and such security as may be considered necessary for securing any damages that may arise in future;
(*b*) where the discharge is of noxious liquid substances.	133	Fine which may extend to ten lakh rupees, or imprisonment for a term which may extend to six months, or both, and such security as may be considered necessary for securing any damages that may arise in future.

14.	If the owner, agent, master, charterer, operator, lessee or licensee of the vessel fails to comply with any notice issued under sub-section (*2*) of section 138.	138(*2*)	Imprisonment which may extend to six months, or fine which may extend to five lakh rupees, or both, and if the offence is a continuing one, the offender shall be liable to a further fine which may extend to fifty thousand rupees per day for every day during which the offence continues after conviction.
15.	If the owner of any Indian vessel or any equipment fails to comply with the directions of the Central Government issued under sub-section (*1*) of section 139.	139(*1*)	Imprisonment which may extend to six months or fine which may extend to five lakh rupees, or both, and if the offence is a continuing one, the offender shall be liable to a further fine which may extend to fifty thousand rupees per day for every day during which the offence continues after conviction.
16.	If the owner, manager, operator, company, pilot, harbour master, master, or other person in charge fails to give notice of a marine casualty to the officer in contravention of sub-section (*2*) of section 231.	231(*2*)	Fine which may extend to fifty thousand rupees and in default of payment, simple imprisonment which may extend to three months.
17.	If the master or owner or the operator of an Indian vessel or any ship other than an Indian vessel fails to report a wreck in contravention of sub-section (*1*) or sub-section (*2*) of section 236.	236(*1*), (*2*)	Fine which may extend to fifty thousand rupees and in default of payment, imprisonment which may extend to three months.
18.	If the owner or operator of a ship fails to immediately mark or maintain the mark of the wreck in contravention of sub-section (*1*) of section 238.	238(*1*)	Fine which may extend to two lakh rupees and in default of payment, imprisonment which may extend to six months.
19.	If the master permits a vessel to proceed to sea before such vessel is released from detention by any competent authority in contravention of sub-section (*2*) of section 290.	290(*2*)	Imprisonment which may extend to six months, or fine which may extend to two lakh rupees, or both.
20.	If the owner, master or agent of the vessel takes to sea any person authorised under this Act to detain or survey the vessel in contravention of sub-section (*3*) of section 290.	290(*3*)	Imprisonment which may extend to one year, or fine which may extend to two lakh rupees, or both.
21.	If the master or owner or agent permits a nuclear vessel to proceed to any port or place in contravention of sub-section (*1*) of section 298.	298(*1*)	Imprisonment which may extend to six months, or fine which may extend to ten lakh rupees, or both.

22. If the master or owner or agent fails to comply with the order issued under sub-section (*2*) of section 298.	298(*2*)	Imprisonment which may extend to six months, or fine which may extend to ten lakh rupees, or both.
23. If any owner of a ship fails to comply with directions of the Director-General under sub-section (*1*) of section 302.	302(*1*)	Imprisonment which may extend to six months, or fine which may extend to two lakh rupees, or both.

Authority for imposition of penalty and procedure therefor.

282. (*1*) The authority for imposing the penalty under sub-section (*2*) of section 281 shall be the principal officer.

(*2*) Any person aggrieved by the order of the principal officer imposing the penalty under sub-section (*1*) may within a period of thirty days from the date of receipt of such order, prefer an appeal before the Director-General in such form and manner as may be prescribed.

(*3*) The Director-General shall dispose of such appeal within a period of thirty days from the date of receipt of the appeal.

(*4*) No such order shall be passed under this section unless the parties have been given a reasonable opportunity of being heard.

(*5*) Any contravention of the provisions of this Act for which penalty has been provided may be compounded for the first contravention by an officer designated by the Central Government by notification in this behalf.

(*6*) Notwithstanding anything contained in this Act, if any penalty imposed by the principal officer or the Director-General under this Part is not deposited, the amount shall be recovered as an arrear of land revenue.

Place of trial and jurisdiction of court.

283. (*1*) Any person committing any offence under this Act or any rules made thereunder may be tried for such offence in any place in which he may be found or in any court which the Central Government may by notification, direct in this behalf, or in any court in which he might be tried under any other law for the time being in force.

(*2*) No court inferior to that of the Judicial Magistrate of the first class shall try any offence under sub-section (*3*) of section 281.

Special provision regarding punishment.

284. Notwithstanding anything contained in section 23 of the Bharatiya Nagarik Suraksha Sanhita, 2023, it shall be lawful for a Judicial Magistrate of the first class to pass any sentence authorised by or under this Act on any person convicted of an offence under this Act or any rules made thereunder.

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Appointment of Special Public Prosecutors.

285. The Central Government or the State Government may, by notification, appoint a person who is in practice as an advocate for not less than seven years as a Special Public Prosecutor for the purposes of any case or class of cases under this Act.

Penalties in respect of masters or owners of special trade passenger vessels.

286. The penalties to which a master or owner of a special trade passenger vessel is liable under section 281 shall be enforced only on a report made by the proper officer in this behalf.

Explanation.—For the purposes of this section, "special trade passenger vessel" means a mechanically propelled vessel carrying more than thirty special trade passengers.

Offences by companies.

287. (*1*) If the person committing an offence under this Act is a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of its business, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(*2*) Notwithstanding anything contained in sub-section (*1*), where an offence under this Act has been committed by a company, and it is proved that the offence was committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary, or any other officer of the company, such director, manager, secretary, or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(*a*) "company" includes a co-operative society, a firm or other association of individuals; and

(*b*) "director", in relation to a firm, means a partner in the firm.

Depositions to be received in evidence when witness cannot be produced.

288. (*1*) Where, the testimony of any witness is required in relation to any legal proceeding before any court or officer or authority under this Act, and the defendant or the person accused does not produce the witness, then any deposition previously made by the witness in relation to the same subject-matter before any court in India or, if elsewhere, before any Indian ambassador, shall be admissible in evidence—

(*a*) if the deposition is authenticated by the signature of the presiding officer of such court or ambassador, before whom it is made;

(*b*) if the defendant or the person accused had an opportunity by himself or his agent of cross-examining the witness;

(*c*) if the proceeding is criminal, on proof that the deposition was made in the presence of the person accused.

(*2*) It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed such deposition, and a certificate by such person that the defendant or person accused had an opportunity of cross-examining the witness, and that the deposition, if made in a criminal proceeding, was made in the presence of the person accused, shall, unless the contrary is proved, be sufficient evidence that he had that opportunity and that it was so made.

Power to detain foreign vessel that has occasioned damage.

289. (*1*) Whenever any damage has in any part of the world been caused to property belonging to the Government or to any citizen of India or a company by a vessel other than an Indian vessel and that vessel is found within Indian jurisdiction, such vessel shall be detained by an order of the High Court upon an application alleging that the damage was caused by the misconduct or want of skill of the master or any other seafarer of that vessel.

(*2*) The order of detention under sub-section (*1*) shall remain in force until such time as the ship owner, master or consignee thereof has satisfied any claim in respect of the damage or has given security to the satisfaction of the High Court to pay all costs and damages that may be awarded.

(*3*) Whenever it appears that before an application can be made under this section, the vessel will have departed from India or the territorial waters of India, any proper officer may detain the vessel for such time as to allow the application to be made and that officer shall not be liable for any cost or damages in respect of the detention unless the same is proved to have been made without reasonable grounds.

(*4*) In any legal proceedings in relation to any damage referred to in sub-section (*1*), the person giving security shall be made a defendant and shall for the purposes of such proceeding be deemed to be the owner of the vessel that has occasioned the damage.

Power to enforce detention of vessel.

290. (*1*) Where under this Act a vessel is authorised or ordered to be detained, any commissioned officer of the Indian Navy or Indian Coast Guard or any port officer, police, pilot, harbour master, conservator of port or customs commissioner may detain the vessel under instructions of the proper officer.

(*2*) If any vessel after detention or after service on the master for any notice of, or order for, such detention proceeds to sea before she is released by any competent authority, the master of the vessel shall be guilty of an offence under this Act.

(*3*) When a vessel so proceeding to sea takes to sea any person authorised under this Act to detain or survey the vessel, the owner, master or agent of such vessel shall each be liable to pay all expenses of, and incidental to, such person being so taken to sea and shall also be guilty of an offence under this Act.

(*4*) When any owner or master or agent is convicted of an offence under sub-section (*3*), the court making the order of conviction may inquire and determine the amount payable on account of expenses by such owner, master or agent and may direct that the same shall be recovered from him in the manner provided for the recovery of fines.

Levy of wages, etc., by distress of movable property or vessel.

291. (*1*) When an order under this Act for the payment of any wages or other sums of money is made by any court or other officer or authority and the money is not paid at the time or in the manner directed, the sum mentioned in the order with such further sum as may be thereby awarded for costs, may be levied by distress and sale of the movable property of the person directed to pay the same under a warrant to be issued for that purpose by such court.

(*2*) Where any court or other officer or authority has power under this Act to make an order directing payment to be made of any seafarer's wages, fines or other sums of money, then, if the person so directed to pay the same is the master, owner or agent of a vessel and the same is not paid at the time or in the manner directed by such court or other officer or authority, the court or officer or authority may, in addition to any other power which it may have for the purpose of compelling payment by warrant, direct the amount remaining unpaid to be levied by distress and sale of the vessel and her equipment.

Service of documents.

292. Where, for the purposes of this Act, any document is to be served on any person, that document may be served—

(*a*) in any case by delivering a copy thereof personally to the person to be served, or by leaving the same at his last place of residence, or by post; and

(*b*) if the document is to be served on the master of a vessel, where there is one, by leaving the same for him onboard that vessel, with the person being or appearing to be in command or charge of the vessel; and

(*c*) if the document is to be served on the master of a vessel where there is no master and the vessel is in India, on the owner of the vessel, or, if such owner is not in India, on some agent of the owner residing in India, or, where no such agent is known or can be found, by affixing a copy thereof on the vessel or at a suitable place on the bridge.

PART XV

MISCELLANEOUS

Birth and death of persons onboard vessel during a voyage.

293. The master of any vessel performing a voyage shall, on arrival at the next port or place of call, intimate the proper officer, the date of any birth or death of any person occurring during the voyage and the cause of death or any other relevant details, as the Central Government may by order, specify in this behalf.

Inquiry into cause of death onboard or person missing from Indian vessel.

294. (*1*) If any person dies onboard or is missing from an Indian vessel, the master shall forthwith inform the Director-General and the proper officer of the port or the next port of call.

(*2*) On receipt of information under sub-section (*1*), the proper officer shall enquire into the cause of death and make an endorsement to that effect in the official logbook, either that the statement of the cause of death in the book is in his opinion true or the contrary according to the result of inquiry.

(*3*) If, in the course of any such inquiry, it appears to the proper officer that death is caused onboard the vessel by violence or other improper means, he shall either report the matter to the Director-General or, if the emergency of the case so requires, shall take immediate steps for bringing the offender to trial.

Certain persons deemed to be public servants.

295. The following persons shall be deemed to be public servants within the meaning of clause (*28*) of section 2 of the Bharatiya Nyaya Sanhita, 2023, namely:— 45 of 2023.

(*a*) every surveyor;

(*b*) every person appointed under this Act to report information as to marine casualties under Part XI;

(*c*) every person authorised under this Act to make any investigation or inquiry and all persons whom he calls to his aid;

(*d*) every person directed to make an investigation into an explosion or fire on a vessel;

(*e*) every other officer or person appointed under this Act to perform any functions thereunder.

Power of persons authorised to investigate, inquire, etc.

296. (*1*) Every person who is empowered by this Act to make an investigation or inquiry or to board, survey, inspect or detain a vessel,—

(*a*) may go onboard any vessel and inspect the same or any part thereof, or any of the machinery, equipment or articles onboard thereof, or any certificate of the master or other officer to which the provisions of this Act or any of the rules made thereunder apply, not unnecessarily detaining or delaying the vessel from proceeding on any voyage, and if in consequence of any incident to the vessel or for any other reason it is considered necessary so to do, may require the vessel to be taken into dock for the purpose of inspection or survey;

(*b*) may enter and inspect any premises, the entry and inspection of which appears to be requisite for the purpose of this section;

(*c*) may, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine them for the purpose of this section, and may require answers or returns to any enquiries he thinks fit to make;

(*d*) may require and enforce the production of all relevant books, papers, or documents;

(*e*) may administer oaths or may *in lieu* of requiring or administering an oath, require every person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination; and

(*f*) may muster the crew of any such vessel.

(*2*) No person shall hinder or obstruct any officer or person referred to in sub-section (*1*) from going onboard any vessel or otherwise impede him in the execution of his duties or the exercise of his powers under this Act.

Power to permit alternative provisions and arrangement.

297. Where this Act requires that the provisions or arrangements for a vessel shall meet the obligations under the convention, or otherwise, the Central Government may, after satisfying itself by trials or based on the convention or its protocol or its amendments or otherwise, that any such provision or arrangement is as effective as that so required, by order, direct or permit such other provisions or arrangements to be used or provided.

Control of nuclear vessels and security measures.

298. (*1*) No nuclear vessel shall proceed to any port or place in India including territorial waters thereof without permission of the Central Government.

Explanation.—For the purposes of this sub-section, "nuclear vessel" means a vessel with a nuclear power plant.

(*2*) The Central Government may, by general or special order, issue such directions, as it deems fit, to the registered owners of the vessels, for taking such security measures as may be necessary.

Exemption of Government vessels, foreign and Indian.

299. The Central Government may, by notification, direct that the provisions of this Act or any of them shall not apply to vessels belonging to the Government of any State or to any class of such vessels.

Power to exempt.

300. (*1*) Notwithstanding anything contained in this Act, the Central Government may, by order in writing and upon such conditions, if any, as it may think fit to impose, exempt any vessel or tindal or skipper or seafarer or port or any class of vessels, from any specified requirement contained in or prescribed in pursuance of this Act or dispense with the observance of any such requirement in the case of any such vessel or tindal or skipper or seafarer or port or any class of vessels, if it is satisfied that the requirement is substantially complied with or that compliance with the requirement is or ought to be dispensed with in the circumstances of the case:

Provided that no exemption which is prohibited by the safety convention or pollution prevention convention shall be granted under this sub-section.

(*2*) Where an exemption is granted under sub-section (*1*) subject to any conditions, a breach of any of those conditions shall, without prejudice to any other remedy, be deemed to be an offence under this section.

Power of Director-General to give directions.

301. The Director-General may, if he is satisfied in the public interest or in the interest of Indian shipping that it is necessary so to do, give by notice, circular, order or guidelines in writing, such directions as he thinks fit to any vessel or seafarer or tindal or ship owner or his agent or maritime training institute or recruitment placement service provider or port or person or body of persons.

Special provisions with respect to defaulting ship owners.

302. (*1*) The Director-General may by order in writing and upon such conditions, if any, as he may think fit to impose, direct the ship owner who fails to comply with the provisions of this Act, or rules made thereunder or is not taking action for the safety and prevention of any harm to life, property or the environment which may be caused by a vessel owned by such ship owner but not abandoned by him, to take such measures as may be directed:

Provided that if the ship owner fails to comply with such directions, the Director-General may take necessary action including confiscation or forfeiture of the vessel or cargo, if any, or both, and dispose of the same as may be deemed appropriate.

(*2*) The cost incurred by the Director-General in averting the harm mentioned under sub-section (*1*) due to failure of timely action by the ship owner shall be recovered from such ship owner as Government dues.

(*3*) The Director-General shall be competent to adjust the cost referred to in sub-section (*2*), with the funds generated by disposal of the vessel or the cargo, or both.

Right to pursue foreign vessels in high seas.

303. The Central Government, if it has a reason to believe that any foreign vessel has violated any law within the coastal waters, may authorise any vessel under its control to pursue into the high seas such foreign vessel for investigations and thereafter seize the vessel if considered necessary, for further proceedings:

Provided that as far as practicable, such foreign vessel shall be given a signal to stop before pursuing the vessel into the high seas.

Power of Central Government with respect to vessel without nationality.

304. (*1*) Where it is established that a vessel within India or her coastal waters is not legally entitled to fly the flag of a State or has lost such right, the Central Government may take charge of such vessel and detain the same as a vessel without nationality including its cargo, as may be deemed appropriate, in such manner as may be prescribed.

(*2*) A vessel which sails under the flags of two or more States, using them according to convenience, may be deemed to be a vessel without nationality.

Protection of action taken in good faith.

305. No suit or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Agreement with other States.

306. The Central Government may enter into agreement with other States or organisations for effective implementation of the provisions of this Act.

Control measures and detention of vessels.

307. (*1*) No vessel shall enter into or sail out of or operate within the port, terminal, anchorages, port facilities, Indian offshore facilities or the territorial waters of India, without complying with such requirements as to construction, equipment, safety and security, cargo operations, pollution prevention, safe manning, maritime labour standards, insurance, classification or such other relevant requirements for the purposes of this Act as may be prescribed.

(*2*) The principal officer may order any unsafe vessel or vessel which appears to him to be an unsafe vessel, to be provisionally detained for the purpose of being surveyed.

(*3*) The surveyor may inspect the vessel referred to in sub-section (*2*) and if it is found on such inspection that the vessel is an unsafe vessel or has failed to comply with the provisions of this Act, report it to the principal officer.

(*4*) On receipt of report under sub-section (*3*), the principal officer may by order, invoke such control measures as may be necessary, till such time the vessel complies with the provisions of this Act or may allow such vessel to proceed to sea on such conditions as deemed fit, if it does not pose a risk to safety of life onboard or at sea, or an unreasonable threat of harm to the environment.

(*5*) Control measures under sub-section (*4*) may include—

(*a*) denial of entry into port;

(*b*) expanded inspection;

(*c*) delaying the vessel;

(*d*) stoppage of operations or restriction of operations including movement within the port;

(*e*) requirement of any rectification of deficiencies within the specified period;

(*f*) detention of vessel;

(*g*) expulsion of the vessel from port or place; or

(*h*) such other measures as may be prescribed.

(*6*) The master or owner of the vessel may, within seven days from the receipt of the order issued under sub-section (*4*), prefer an appeal before the Director-General who may retain or modify the control measures or order release of the vessel subject to such conditions as he may deem fit.

Explanation.—For the purposes of this section, "unsafe vessel" means a vessel, including an unseaworthy vessel, which—

(*a*) poses a risk to safety of life; or

(*b*) poses an unreasonable threat of harm to environment by reason of its safe manning, hull, machinery, equipment, training and working conditions of seafarers or operational safety being substantially below the required standards; or

(*c*) fails to comply with such other requirements as may be prescribed.

Costs of detention and damages.

308. (*1*) When a vessel is detained under this Act, the owner of a vessel shall be liable to pay to the Central Government the costs incidental to the detention and survey of the vessel, as may be determined by the Director-General, and the vessel shall not be released until such costs are paid and faults are rectified.

(*2*) The form and manner of determination of claims for costs of detention under sub-section (*1*) and compensation or damages for detention of a vessel shall be such as may be prescribed.

Procedure for detention of vessel other than Indian vessel.

309. (*1*) On receipt of information from the Government of any State which is a party to any convention under this Act, that any vessel other than an Indian vessel within the territorial waters of India has contravened the provisions of such convention, the Central Government may detain the vessel for such period and subject to such conditions as may be deemed necessary.

(*2*) When a vessel other than an Indian vessel is detained under this Act, a copy of the order for the provisional detention of the vessel shall forthwith be served on the ambassador of the State to which the vessel belongs at or nearest to the port in which such vessel is detained.

Obligations of ports under conventions and monitoring thereof by Director-General.

310. (*1*) The Director-General shall,—

(*a*) ensure that the obligations under the conventions are discharged by the ports;

(*b*) supervise, monitor and ensure that such obligations are effectively discharged by the ports.

(*2*) The Director-General may call for such information and pass such directions as he may deem fit, for the discharge of obligations by the ports.

Power of Central Government in respect of abandoned vessels.

311. (*1*) The Central Government may give such directions in writing, as it deems appropriate, to a port authority or State Maritime Board or any other authority or agency to render services or assistance or take measures in respect of any abandoned vessel which is abandoned on or near the coast of India or within the coastal waters.

(*2*) The directions given under sub-section (*1*) shall be aimed at ensuring safety, security, preventing the abandoned vessel from posing a threat to life or property or environment, including protection of India's coastline or related interests from pollution or threat of pollution arising out of the abandoned vessel.

(*3*) Any costs or expenses incurred by the Central Government or any authority or agency, for taking any measures in respect of an abandoned vessel under sub-section (*1*), shall constitute a debt due to the Central Government and may be recovered from the proceeds received from the sale of the vessel or its cargo.

(*4*) The procedure for reimbursement of costs or expenses, including the manner of determination of the rates for services rendered, to the authority or agency complying with the directions of the Central Government under sub-section (*1*), shall be such as may be prescribed.

(*5*) Notwithstanding anything contained in the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017, the debt due to the Central Government under sub-section (*3*), shall be a charge on the vessel and shall have first priority after the following maritime liens— 22 of 2017.

(*a*) claims for wages and other sums due to the master, officers and other members of the vessel's complement in respect of their employment on the vessel, including costs of repatriation and social insurance contributions payable on their behalf;

(*b*) claims in respect of loss of life or personal injury occurring, whether on land or on water, in direct connection with the operation of the vessel.

Power to cancel, suspend, etc., certificate of seafarers.

312. The Central Government may, by order, cancel or suspend any certificate granted under this Act to any seafarer for any specified period,—

(*a*) if an inquiry report or investigation report reveals that the seafarer is incompetent or is guilty of misconduct; or

(*b*) in a case of collision, where the seafarer has failed to render assistance; or

(*c*) if the seafarer has been convicted of any offence under this Act or any non-bailable offence has been committed by such seafarer under any other law for the time being in force in India or outside India; or

(*d*) if any casualty has been caused by wrongful act or default of the seafarer; or

(*e*) if the seafarer to whom the certificate has been granted contravenes any provisions of this Act:

Provided that no order under this section shall be passed unless the person concerned has been given an opportunity of being heard.

Re-hearing.

313. Whenever an investigation or inquiry is made under this Act, the Central Government may order the case to be re-heard either generally or as to any part thereof, and shall so order, if—

(*a*) new and important evidence which could not be produced at the time of investigation is discovered; or

(*b*) for any other reason, there is in its opinion, a miscarriage of justice.

Maintenance of insurance or such other financial security.

314. Without prejudice to the insurance or other financial security required to be maintained under Chapters II, III and IV of Part IX, Part X and Chapter I of Part XII, every registered owner of an Indian vessel shall, for the purpose of covering his liability under this Act, be required to compulsorily maintain adequate insurance coverage or such other financial security as may be prescribed.

Use and maintenance of electronic records.

315. (*1*) Where any provision of this Act or the rules made thereunder provide for—

(*a*) the filing of any form, application or any other document with any office, authority, body or agency owned or controlled by the Government in a particular manner;

(*b*) the issue or grant of any certificate, licence, permit, sanction, approval or endorsement, by whatever name called, in a particular manner; or

(*c*) the receipt or payment of money in a particular manner,

then notwithstanding anything contained in such provision, such requirement shall be deemed to have been satisfied if such filing, issue, grant, receipt or payment is effected by means of such electronic form.

(*2*) The Central Government shall, for the purpose of sub-section (*1*), prescribe—

(*a*) the manner and form in which such electronic forms and documents shall be filed, created or issued; and

(*b*) the manner or method of payment of any fee or charges for filing, creation or issue of any electronic document under clause (*a*).

(*3*) Any agreement, record, database, logbooks, record books and such other documents required to be stored, maintained or updated by the Central Government or the Director-General or by any other person under this Act or the rules made thereunder, may be maintained in electronic form.

Classification of vessels.

316. The Central Government, based on activities performed or services provided by vessels, may by general or special order, classify the vessels into different categories.

Transparency of charges.

317. (*1*) The Central Government, in such circumstances as it may, by notification, specify in this behalf, require every service provider or agent in respect of any Indian vessel or other vessel operating in coastal waters in relation to import, export or domestic transportation, to specify in the Bill of Lading or any other transport document, all charges to be paid by an exporter, importer, consignor or consignee in India, subject to the terms and conditions for the specification of such charges and the issuance of the Bill of Lading or any other transport document, as may be specified in that notification:

Provided that the charges to be paid by such exporter, importer, consignor or consignee shall include both fixed and conditional charges:

Provided further that no service provider or agent shall levy any charges other than charges specified by him in the Bill of Lading or any other transport document.

(*2*) If the service provider or agent fails to specify the charges under sub-section (*1*) or levies any charges other than the charges specified by him in the Bill of Lading or any other transport document, he shall be liable to penalty which may extend to five lakh rupees.

(*3*) The authority for imposing the penalty under sub-section (*2*) shall be such officer as the Central Government may, by notification, specify in this behalf.

(*4*) Any person aggrieved by the order of imposition of penalty under this section may prefer an appeal in accordance with such procedure as may be prescribed, before such officer as the Central Government may, by notification, specify:

Provided that no order under this section shall be passed without giving the person a reasonable opportunity of being heard.

Power of Director-General to call for information.

318. The Director-General shall have the power to call for such information as may be required to ensure compliance with the provisions of this Act.

General power to make rules.

319. (*1*) Without prejudice to any other power to make rules contained elsewhere in this Act, the Central Government may make rules generally to carry out the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the salary, allowances and other terms and conditions of service of the officers under sub-section (*2*) of section 8;

(*b*) the powers and functions of the senior radio surveyors and radio inspectors under sub-section (*2*) of section 10;

(*c*) regulatory and oversight functions of the body under sub-section (*3*) of section 13;

(*d*) other functions of the body under clause (*d*) of sub-section (*4*) of section 13;

(*e*) the form and manner in which a person aggrieved may prefer an appeal before the Director-General under sub-section (*2*) of section 282;

(*f*) the manner of detention of vessel under sub-section (*1*) of section 304;

(*g*) other relevant requirements under sub-section (*1*) of section 307;

(*h*) such other measures which shall constitute control measures under clause (*h*) of sub-section (*5*) of section 307;

(*i*) such other requirements under the *Explanation* to section 307;

(*j*) the form and manner of determination of claims and compensation or damages for detention of a vessel under sub-section (*2*) of section 308;

(*k*) the procedure for reimbursement of costs or expenses, including the manner of determination of the rates for services rendered to the authority or agency under sub-section (*4*) of section 311;

(*l*) insurance coverage or other financial security to be maintained by registered owner of an Indian vessel under section 314;

(*m*) the manner and form of filing, creating or issuing electronic forms and documents and the manner or method of payment of fee or charges for such filing, creating or issuing under clause (*a*) and clause (*b*) of sub-section (*2*) of section 315;

(*n*) procedure for preferring an appeal under sub-section (*4*) of section 317;

(*o*) the form and manner of informing the Central Government of any requirement or prohibition imposed or threatened to be imposed pursuant to the measures taken by any other country under sub-section (*2*) of section 323; and

(*p*) any other matter which is required to be or may be prescribed.

Provisions with respect to rules.

320. (*1*) All rules made under this Act shall be published in the Official Gazette.

(*2*) In making a rule under this Act, the Central Government may direct that a breach thereof shall be liable to penalty which may extend to fifty thousand rupees, and if the breach is a continuing one, with further penalty which may extend to five thousand rupees for every day after the first day during which the breach continues.

(*3*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall, thereafter, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power to remove difficulties.

321. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary, for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of three years from the date of commencement of this Act.

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

Power to constitute committees.

322. (*1*) The Central Government may, if it thinks fit, constitute one or more committees consisting of such number of persons as it may appoint thereto, representing the interests principally affected or having special knowledge of the subject-matter, for the purpose of advising it when considering the making or alteration of any rules or scales of fees under this Act or for any other purpose connected with this Act.

(*2*) There shall be paid to the members of any such committee such travelling and other allowances as the Central Government may fix.

(*3*) The committees may be constituted under this section to advise the Central Government either generally as regards any rules or scales of fees or as regards any class or classes of rules or scales of fees in particular or for any other purpose connected with this Act.

Power of Central Government to protect interest of Indian Shipping.

323.(*1*) The Central Government may, by order in writing, specify that the provisions of this section shall apply to measures taken by any other country for regulating the terms and conditions upon which goods or passengers may be carried by sea, which constitute an infringment of the jurisdiction of India, in so far as they apply to—

(*a*) things done or to be done outside the territorial jurisdiction of that country; and

(*b*) persons carrying on lawful business in India.

(*2*) Where an order issued under sub-section (*1*) is in force, every person who is subject to such measures taken by another country shall inform the Central Government of any requirement or prohibition imposed or threatened to be imposed on him pursuant to such measures in such form and manner as may be prescribed.

Explanation.—For the purposes of this sub-section, "requirement" includes any requirement to submit any contract or other document for approval thereunder.

(*3*) Where any information under sub-section (*2*) is received from any person, or there are grounds to believe that such information is likely to be received, the Central Government may, by an order in writing, give to such person directions prohibiting compliance with any such measure as it considers necessary.

(*4*) The Central Government may, by an order in writing, prohibit or restrict any person from complying with the requirement to produce any commercial document or information compiled from commercial documents, to a court of another country, if it appears to the Central Government that such document is not within the territorial jurisdiction of that country, and constitutes or may constitute an infringement of the jurisdiction of India.

Repeals and savings.

44 of 1958.
19 of 1838.

324. (*1*) The Merchant Shipping Act, 1958 (except Part XIV but not including section 411A therein) and the Coasting Vessels Act, 1838 is hereby repealed.

(*2*) Notwithstanding such repeal,—

(*a*) any rule, regulation, bye-law, order, notification or exemption made, issued or granted under any enactment hereby repealed shall, until revoked, have effect as if it had been made, issued or granted under the provisions of this Act;

(*b*) any office established or created, officer or person appointed and anybody elected or constituted under any enactment hereby repealed shall continue and shall be deemed to have been established, created, appointed, elected, or constituted under this Act;

(*c*) any document referring to any enactment hereby repealed shall be construed as referring to this Act or to the provision of this Act;

(*d*) any fine levied under any enactment hereby repealed may be recovered as if it had been levied under this Act;

(*e*) any offence committed under any enactment hereby repealed may be prosecuted and punished as if it had been committed under this Act;

(*f*) any vessel registered under the enactments hereby repealed shall be deemed to have been registered under this Act;

(*g*) any mortgage of vessels recorded in any register book maintained at any port in India under any enactment hereby repealed shall be deemed to have been recorded in the register book under the corresponding provision of this Act;

(*h*) any licence, certificate of competency or service, certificate of survey, A or B certificate, safety certificate, qualified safety certificate, safety equipment certificate, exemption certificate, international or Indian load line certificate or any other certificate or document issued, made or granted under any enactment hereby repealed and in force at the commencement of this Act, shall be deemed to have been issued, made or granted under this Act and shall, unless cancelled under this Act, continue in force until the date shown in the certificate or document;

(*i*) any proceeding pending before any court under any enactment hereby repealed may be tried or disposed of under the corresponding provisions of this Act;

(*j*) any inspection, investigation or inquiry ordered to be done under the provisions of any enactment hereby repealed shall continue to be proceeded with as if such inspection, investigation or inquiry is ordered to be done under the corresponding provisions of this Act.

(*3*) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897, with regard to the effect of repeals. 10 of 1897.

PART XVI

AMENDMENT TO THE MARINE AIDS TO NAVIGATION ACT, 2021

Amendment of Act 20 of 2021.

325. In the Marine Aids to Navigation Act, 2021, after section 48, the following section shall be inserted, namely:—

Power of Director-General appointed under Merchant Shipping Act, 2025 to issue directions.

"48A. The Director-General appointed under the Merchant Shipping Act, 2025 may issue such directions as may be necessary, to the Director General appointed under this Act for the purposes of implementation of this Act.".

Sd/-

DR. RAJIV MANI,
Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-

K. M. LALA,
Secretary to Government.

Government Central Press, Gandhinagar.

Signature Not Verified
Signed by : BHOLUSINGH G THAKUR
Senior Manager
Government Central Press, Gandhinagar
Date : 2025.11.17 16:25:38 IST